

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

PUBLISHED BY
THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

ASHLEY HARWELL-BEACH, DIRECTOR
DEIRDRE BREVARD SMITH, EDITOR
REBECCA FUDGER TURNER, ASSOCIATE EDITOR

P.O. BOX 11489
COLUMBIA, SC 29211
TELEPHONE (803) 212-4500

Published August 26, 2022

Volume 46 Issue No. 8

This issue contains notices, proposed regulations, emergency regulations, final form regulations, and other documents filed in the Office of the Legislative Council, pursuant to Article 1, Chapter 23, Title 1, Code of Laws of South Carolina, 1976.

SOUTH CAROLINA STATE REGISTER

An official state publication, the *South Carolina State Register* is a temporary update to South Carolina's official compilation of agency regulations--the *South Carolina Code of Regulations*. Changes in regulations, whether by adoption, amendment, repeal or emergency action must be published in the *State Register* pursuant to the provisions of the Administrative Procedures Act. The *State Register* also publishes the Governor's Executive Orders, notices or public hearings and meetings, and other documents issued by state agencies considered to be in the public interest. All documents published in the *State Register* are drafted by state agencies and are published as submitted. Publication of any material in the *State Register* is the official notice of such information.

STYLE AND FORMAT

Documents are arranged within each issue of the *State Register* according to the type of document filed:

Notices are documents considered by the agency to have general public interest.

Notices of Drafting Regulations give interested persons the opportunity to comment during the initial drafting period before regulations are submitted as proposed.

Proposed Regulations are those regulations pending permanent adoption by an agency.

Pending Regulations Submitted to the General Assembly are regulations adopted by the agency pending approval by the General Assembly.

Final Regulations have been permanently adopted by the agency and approved by the General Assembly.

Emergency Regulations have been adopted on an emergency basis by the agency.

Executive Orders are actions issued and taken by the Governor.

2022 PUBLICATION SCHEDULE

Documents will be accepted for filing on any normal business day from 8:30 A.M. until 5:00 P.M. All documents must be submitted in the format prescribed in the *Standards Manual for Drafting and Filing Regulations*.

To be included for publication in the next issue of the *State Register*, documents will be accepted no later than 5:00 P.M. on any closing date. The modification or withdrawal of documents filed for publication must be made **by 5:00 P.M.** on the closing date for that issue.

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Submission Deadline	1/14	2/11	3/11	4/8	5/13	6/10	7/8	8/12	9/9	10/14	11/11	12/9
Publishing Date	1/28	2/25	3/25	4/22	5/27	6/24	7/22	8/26	9/23	10/28	11/25	12/23

REPRODUCING OFFICIAL DOCUMENTS

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ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

To adopt, amend or repeal a regulation, an agency must publish in the *State Register* a Notice of Drafting; a Notice of the Proposed Regulation that contains an estimate of the proposed action's economic impact; and, a notice that gives the public an opportunity to comment on the proposal. If requested by twenty-five persons, a public hearing must be held at least thirty days after the date of publication of the notice in the *State Register*.

After the date of hearing, the regulation must be submitted to the General Assembly for approval. The General Assembly has one hundred twenty days to consider the regulation. If no legislation is introduced to disapprove or enacted to approve before the expiration of the one-hundred-twenty-day review period, the regulation is approved on the one hundred twentieth day and is effective upon publication in the *State Register*.

EMERGENCY REGULATIONS

An emergency regulation may be promulgated by an agency if the agency finds imminent peril to public health, safety or welfare. Emergency regulations are effective upon filing for a ninety-day period. If the original filing began and expired during the legislative interim, the regulation can be renewed once.

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

Regulations promulgated to comply with federal law are exempt from General Assembly review. Following the notice of proposed regulation and hearing, regulations are submitted to the *State Register* and are effective upon publication.

EFFECTIVE DATE OF REGULATIONS

Final Regulations take effect on the date of publication in the *State Register* unless otherwise noted within the text of the regulation.

Emergency Regulations take effect upon filing with the Legislative Council and remain effective for ninety days. If the original ninety-day period begins and expires during legislative interim, the regulation may be refiled for one additional ninety-day period.

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REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

Status and Legislative Review Expiration Dates1

EXECUTIVE ORDERS

Executive Order No. 2022-20 Directing Immediate Action to Address Potential Environmental Hazards Associated with the USS Yorktown2

Executive Order No. 2022-21 Appointing Union County Supervisor6

Executive Order No. 2022-22 Appointing Member of Kershaw County Council.....7

Executive Order No. 2022-23 Suspending Member of St. George Town Council.....8

Executive Order No. 2022-24 Lowering Flags for Rev. McKinley Washington, Jr.....9

Executive Order No. 2022-25 Appointing Anderson County Auditor9

Executive Order No. 2022-26 Lowering Flags for Corporal Weaver of Florence County EMS10

NOTICES

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF

Certificate of Need12

UST Rehabilitation Contractor Certification – Elite Technologies, Inc.13

DRAFTING NOTICES

CLEMSON UNIVERSITY

State Livestock-Poultry Health Commission

State Meat Inspection Regulation (Exempt)14

State Poultry Products Inspection Regulation (Exempt).....14

CONSUMER AFFAIRS, DEPARTMENT OF

Equal Periodic Intervals for Consumer Loans in Title 37.....15

DISABILITIES AND SPECIAL NEEDS, DEPARTMENT OF

Day Programs for Persons with Intellectual Disability15

Definitions.....15

License Requirement for Facilities and Programs16

License Requirements for Community-Based Housing for Adults16

Unclassified Facilities and Programs17

EMPLOYMENT AND WORKFORCE, DEPARTMENT OF

Benefit Ratio for Zero Taxable Wages17

Contributions: Interest.....17

Definitions; Unemployment Trust Fund Solvency18

Filing Claims for Benefits and Registration for Work.....19

Information to be Furnished with Respect to Changes in Ownership, Notification of Acquisitions, and Methods for the Transfer of Experience Rating19

Offers of Work20

TABLE OF CONTENTS

Public Employment Office 20
Review of Rulings with Respect to the Status, Liability, and Rate Contributions of an Employer
or Employing Unit 21

**FINANCIAL INSTITUTIONS, STATE BOARD OF
Consumer Finance Division**
Check-Cashing Service..... 21
Check-Cashing Service: Purchase of Goods or Services 22
Check-Cashing Service: Record-keeping Requirements..... 22

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF
Office of the Governor – Mining Council of South Carolina..... 23
State Primary Drinking Water Regulations 23

LABOR, LICENSING AND REGULATION, DEPARTMENT OF
Fee Schedule for R.10-3, R.10-14, R.10-25, R.10-26, R.10-30, R.10-33, R.10-37, R.10-40, and R.10-41..... 24
Fee Schedule for R.10-17, R.10-20, R.10-24, R.10-27, R.10-32, R.10-34, and R.10-42..... 24

Athletic Commission, State
Code of Ethics 25

Barber Examiners, State Board of
Barber Schools, Managers, Teachers and Instructors..... 25

Dentistry, State Board of
State Board of Dentistry 26

Elevators and Amusement Rides, Office of
Office of Elevators and Amusement Rides 26

Liquefied Petroleum Gas Board
Liquefied Petroleum Gas Board 27

Long Term Health Care Administrators, South Carolina Board of
South Carolina Board of Long Term Health Care Administrators 27

Pilotage, Commissioners of
Commissioners of Pilotage 28

Psychology, State Board of Examiners in
State Board of Examiners in Psychology 28

Residential Builders Commission, South Carolina
Residential Building 28

Social Work Examiners, State Board of
State Board of Social Work Examiners 29

NATURAL RESOURCES, DEPARTMENT OF
Wildlife Management Area Regulations; Bear Hunting Rules and Seasons..... 29

PROPOSED REGULATIONS

ETHICS COMMISSION, STATE

Document No. 5111 Campaign Practices and Reports31
 Document No. 5112 Contested Case Procedure33
 Document No. 5113 General.....35
 Document No. 5114 Lobbyists, Lobbyist’s Principals and Rating Entities37
 Document No. 5115 Statement of Economic Interests and Contract Disclosure Forms.....39

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF

Document No. 5116 Classified Waters41
 Document No. 5117 Solid Waste Management Regulation (Solar Projects) (New).....46
 Document No. 5118 Vital Statistics49
 Document No. 5119 Water Classifications and Standards.....56
 Document No. 5120 WIC Vendors60

**LABOR, LICENSING AND REGULATION, DEPARTMENT OF
 Veterinary Medical Examiners, Board of**

Document No. 5121 Definitions; Practice Standards for Licensed Veterinary Technicians and
 Unlicensed Veterinary Aides; Licensure and Examinations
 for Veterinarians64

REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

In order by General Assembly review expiration date
The history, status, and full text of these regulations are available on the
South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY	HOUSE COMMITTEE	SENATE COMMITTEE
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2 EXECUTIVE ORDERS

Executive Order No. 2022-20

WHEREAS, the State of South Carolina is richly blessed with abundant natural and environmental resources, which South Carolinians must simultaneously promote and strive to protect and preserve for future generations; and

WHEREAS, among the State's cherished environmental features and natural resources is its approximately 2,876 miles of pristine coastline—including roughly 200 miles of direct beachfront and neighboring ecosystems such as marshes, estuaries, barrier islands, and tidal creeks—which not only serves as a source of pride and enjoyment but also generates or facilitates a significant portion of the State's economic investment and activity; and

WHEREAS, on October 15, 2018, the undersigned issued Executive Order No. 2018-50, establishing the South Carolina Floodwater Commission to coordinate a comprehensive evaluation of the State's accommodation, response, and mitigation efforts related to the impacts of flooding, storms, and other natural disasters, with particular emphasis on cities, communities, and enterprises located along the State's coast and rivers, and to identify short-term and long-term recommendations regarding potential opportunities to minimize such impacts, while also facilitating economic growth, promoting tourism, and assisting impacted areas; and

WHEREAS, following review of the South Carolina Floodwater Commission's report, the undersigned proposed the appointment of a Chief Resilience Officer responsible for developing and coordinating implementation of comprehensive resilience and disaster-recovery initiatives designed to enhance South Carolina's preparation for and response to, and ability to recover from, natural disasters and other adverse events and conditions; and

WHEREAS, the General Assembly subsequently passed, and on September 29, 2020, the undersigned signed into law, Act No. 163 of 2020, codified as amended in Chapter 62 of Title 48 of the South Carolina Code of Laws, which created the South Carolina Office of Resilience ("SCOR"), governed by a Chief Resilience Officer, and charged SCOR with, *inter alia*, developing, implementing, and maintaining the Statewide Resilience Plan and coordinating statewide resilience and disaster-recovery efforts, including coordination with federal, state, and local governmental agencies, stakeholders, and nongovernmental entities; and

WHEREAS, although the State of South Carolina is uniquely prepared and positioned to prepare for, respond to, and recover from natural and other disasters as a result of the aforementioned initiatives and other precautionary measures, the undersigned has called attention to the need to address proactively certain environmental risks and concerns associated with legacy contaminants contained within the *USS Yorktown*, which is a World War II-era Essex-class aircraft carrier donated by the United States Navy to the State of South Carolina in 1975 for use as a museum ship and which is currently located in the Charleston Harbor; and

WHEREAS, the *USS Yorktown* is maintained by the Patriots Point Development Authority ("Authority") and serves as the primary tourist attraction at the Authority's Patriots Point Naval and Maritime Museum facility in the Town of Mount Pleasant, which receives more than 300,000 visitors per year; and

WHEREAS, prior to donating and delivering the *USS Yorktown* to the State of South Carolina, the United States Navy did not remove various hazardous or potentially hazardous materials from the aircraft carrier's interior tanks, compartments, and other components, including hundreds of thousands of gallons of petroleum products, polluted ballast waters, and materials containing polychlorinated biphenyl compounds ("PCBs"); and

WHEREAS, if the aforementioned legacy contaminants were to leak out of the *USS Yorktown* and pollute the Charleston Harbor, any such release would represent a significant environmental risk and could cause immeasurable damage and destruction to the natural resources and ecosystem of the surrounding area, including nearby marshlands, estuaries, barrier islands, tidal creeks, and beaches; and

WHEREAS, in 2012, the Authority commissioned an environmental study to assess the legacy contaminants and potentially hazardous materials that the United States Navy failed or neglected to remove from the *USS Yorktown* prior to delivering the aircraft carrier to the State of South Carolina, to identify and inventory the types and quantities of these materials, and to provide recommendations and cost estimates regarding environmental remediation options; and

WHEREAS, according to a report produced in 2013, the environmental study commissioned by the Authority identified a significant quantity of hazardous or potentially hazardous materials contained within the *USS Yorktown* and concluded that “[t]he presence of these legacy contaminants create[d] potential safety issues, increased cost for maintenance, and increased risk for a release of contaminants to Charleston Harbor”; and

WHEREAS, of the hazardous or potentially hazardous materials identified within the *USS Yorktown*, the 2013 report determined that the “primary concern is the 160,000 gallons of legacy residual fuel found to exist in 129 structural tanks and compartments aboard the ship,” primarily located in the ship’s exterior “skin tanks,” and noted that “[t]his oil is combined with 1.75 million gallons of water which will also need to be removed so the tanks can be cleaned”; and

WHEREAS, the 2013 report of the environmental assessment of the *USS Yorktown* further confirmed that, “[a]s expected for a ship this age,” PCBs “were found to be present on the ship in a variety of materials”; and

WHEREAS, according to the environmental study and resulting report, the estimated costs associated with removing and remediating the various legacy contaminants identified in the *USS Yorktown* were anticipated to total approximately \$4.4 million in 2013; and

WHEREAS, in 2017, the Authority retained a contractor to remove 60,000 gallons of fuel from six of the *USS Yorktown*’s tanks, but it is estimated that there are in excess of 120 tanks on the *USS Yorktown* that may still contain fuel or residues that warrant removal or remediation; and

WHEREAS, upon information and belief, it does not appear that additional legacy contaminants have been removed from the *USS Yorktown*, or that other substantial environmental mitigation and remediation activities have been conducted, since 2017; and

WHEREAS, absent further action and environmental mitigation and remediation activities, continued corrosion of the outer hull of the *USS Yorktown* may lead to deterioration and failure of the inner tanks, which could result in the release of hazardous materials into the Charleston Harbor; and

WHEREAS, promptly removing or remediating the remaining hazardous or potentially hazardous materials that are currently contained within the *USS Yorktown* is both reasonable and necessary to prevent a future uncontrolled release of such legacy contaminants into the Charleston Harbor and to avoid any resulting adverse impacts to the surrounding environment and to commercial and recreational marine activities; and

WHEREAS, earlier this year, both in the annual State of the State address and in the Executive Budget, the undersigned recommended that the General Assembly authorize SCOR to use funds allocated by the federal government to the State of South Carolina under the American Rescue Plan Act of 2021 (“ARPA”), Pub. L. 117–2, for resilience-related initiatives and specifically proposed that SCOR utilize a portion of such funds to remove or remediate the hazardous or potentially hazardous materials contained within the *USS Yorktown*; and

WHEREAS, in recommending the aforementioned action, the undersigned noted that there is no more meritorious use of taxpayer funds than to protect the State’s pristine natural resources for future generations of South Carolinians; and

4 EXECUTIVE ORDERS

WHEREAS, in furtherance of the foregoing, the undersigned has determined that it is imperative that the State obtain an updated evaluation of the remaining legacy contaminants contained within the *USS Yorktown*, develop a comprehensive plan to remove or remediate the hazardous or potentially hazardous materials, assess the corresponding costs, and promptly initiate any necessary regulatory or other processes required to conduct and complete such activities; and

WHEREAS, it is necessary and appropriate that SCOR coordinate the aforementioned endeavor, in consultation with and with the assistance of the Authority and any other relevant state agencies and departments; and

WHEREAS, article IV, section 17 of the South Carolina Constitution provides that “[a]ll State officers, agencies, and institutions within the Executive Branch shall, when required by the Governor, give him information in writing upon any subject relating to the duties and functions of their respective offices, agencies, and institutions, including itemized accounts of receipts and disbursements”; and

WHEREAS, section 1-1-840 of the South Carolina Code of Laws, as amended, similarly authorizes the Governor to “call upon any department or institution at any time for such special reports as may be deemed in the interest of the public welfare”; and

WHEREAS, section 1-3-10 of the South Carolina Code of Laws, as amended, also requires that “[t]he departments, bureaus, divisions, officers, boards, commissions, institutions and other agencies or undertakings of the State, upon request, shall immediately furnish to the Governor, in such form as he may require, any information desired by him in relation to their respective affairs or activities”; and

WHEREAS, to facilitate and advance the aforementioned initiative, the undersigned has determined that immediate action is required to ensure that the State obtains an updated evaluation of the remaining legacy contaminants currently contained within the *USS Yorktown*, develops a comprehensive plan to remove or remediate the hazardous or potentially hazardous materials, assesses the corresponding costs, and promptly initiates any necessary regulatory or other processes required to conduct and complete such activities.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby order and direct as follows:

Section 1. Directing Immediate Action to Address Potential Environmental Hazards Associated with the *USS Yorktown*

A. I hereby authorize and direct SCOR, in consultation with and with the assistance of the Authority and any other relevant state agencies and departments, to utilize existing funds or any other authorized, appropriated, or available funds to commission, perform, procure, conduct, or obtain an updated comprehensive review, evaluation, analysis, or assessment of any and all remaining legacy contaminants that are currently contained within the *USS Yorktown* and the options or plans to remove or remediate any such hazardous or potentially hazardous materials, including an updated estimate of the corresponding costs.

B. I hereby authorize and direct SCOR, in consultation with and with the assistance of the Authority and any other relevant state agencies and departments, to promptly initiate any regulatory, legislative, or other approval processes required to conduct and complete, or to procure services for conducting and completing, any necessary and appropriate activities identified, recommended, or proposed by the aforementioned review, evaluation, analysis, or assessment or otherwise required by this Section.

C. I hereby authorize and direct SCOR, in consultation with and with the assistance of the Authority and any other relevant state agencies and departments, to explore any and all opportunities to utilize existing or available state or federal funds, including any ARPA funds allocated by the federal government to

the State of South Carolina or federal funds appropriated or available to the United States Navy, to perform the actions and activities contemplated or required by this Section.

D. Pursuant to article IV, section 17 of the South Carolina Constitution and sections 1-1-840 and 1-3-10 of the South Carolina Code of Laws, and in furtherance of the principles, considerations, and initiatives set forth above, I hereby direct the Authority and any other state agencies, departments, or officials called upon for assistance by SCOR to cooperate with, accommodate, and assist SCOR in conducting or performing the activities contemplated or required by this Section and to provide SCOR with any and all data, information, documents, or materials requested by SCOR in connection with the same.

E. This Section shall not be interpreted, applied, implemented, or construed in a manner so as to alter or conflict with provisions of the Appropriations Act or any other applicable law, to include the Consolidated Procurement Code or the Administrative Procedures Act.

Section 2. General Provisions

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. This Order shall be implemented consistent with and to the maximum extent provided by applicable law and shall be subject to the availability of appropriations. This Order shall not be interpreted, applied, implemented, or construed in a manner so as to impair, impede, or otherwise affect the authority granted by law to an executive agency or department, or the officials or head thereof, including the undersigned.

D. I hereby expressly authorize the Office of the Governor and the Executive Budget Office to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Order or to otherwise to provide clarification regarding the same, through appropriate means, without the need for further Orders.

E. This Order is effective immediately and shall remain in effect unless otherwise expressly stated herein or modified, amended, extended, or rescinded by subsequent Order.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 11th DAY OF JULY, 2022.**

**HENRY MCMASTER
Governor**

6 EXECUTIVE ORDERS

Executive Order No. 2022-21

WHEREAS, the undersigned has been notified that there presently exists a vacancy in the office of Supervisor of Union County due to the resignation of Frank Hart; and

WHEREAS, pursuant to section 4-9-90 of the South Carolina Code of Laws, as amended, vacancies occurring on the governing body of a county are generally “filled in the manner of original election for the unexpired terms in the next general election after the vacancy occurs or by special election if the vacancy occurs one hundred eighty days or more prior to the next general election”; and

WHEREAS, a general election for the office of Supervisor of Union County is scheduled to be held on November 8, 2022; and

WHEREAS, absent prior action by the undersigned, a vacancy will remain in the office of Supervisor of Union County pending the results of the November 8, 2022 general election and qualification of a successor to serve as Supervisor of Union County for the term prescribed by law, which shall commence on January 3, 2023, in accordance with section 4-11-10 of the South Carolina Code of Laws, as amended; and

WHEREAS, pursuant to section 4-9-420 of the South Carolina Code of Laws, as amended, “[t]he powers and duties of the supervisor shall include, but not be limited to, . . . serv[ing] as the chief administrative officer of the county government”; and

WHEREAS, the members of the Union County Legislative Delegation have recommended that the undersigned appoint Robert Lee Love, Jr., who is not a candidate in the aforementioned election, to serve as Supervisor of Union County on a temporary basis; and

WHEREAS, in the event of a vacancy in a county office, the undersigned is authorized to appoint a suitable person, who shall be an elector of the county, to serve in such office pursuant to sections 1-3-220(2) and 4-11-20(1) of the South Carolina Code of Laws, as amended; and

WHEREAS, for the aforementioned reasons, and in accordance with the cited authorities and other applicable law, the undersigned has determined that it is appropriate under the circumstances presented to appoint a suitable person to serve as Supervisor of Union County until a successor shall be appointed or elected and qualify as provided by law, *see Op. Att’y Gen.*, 1996 WL 599395, at *1 (S.C.A.G. Sept. 9, 1996); *see also Bradford v. Byrnes*, 221 S.C. 255, 262, 70 S.E.2d 228, 231 (1952) (“As nature abhors a void, the law of government does not ordinarily countenance an *interregnum*.”); and

WHEREAS, Robert Lee Love, Jr., of Union, South Carolina, is a fit and proper person to serve as Supervisor of Union County.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby appoint Robert Lee Love, Jr. to serve as Supervisor of Union County until a successor shall qualify as provided by law. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 19th DAY OF JULY, 2022.**

**HENRY MCMASTER
Governor**

Executive Order No. 2022-22

WHEREAS, the undersigned has been notified that there presently exists a vacancy on Kershaw County Council, in the office and seat representing District Five, due to the resignation of David Snodgrass; and

WHEREAS, pursuant to section 4-9-90 of the South Carolina Code of Laws, as amended, vacancies occurring o the governing body of a county are generally “filled in the manner of original election for the unexpired terms in the next general election after the vacancy occurs or by special election if the vacancy occurs one hundred eighty days or more prior to the next general election”; and

WHEREAS, a general election for the aforementioned office is scheduled to be held on November 8, 2022; and

WHEREAS, the Kershaw County Board of Elections and Voter Registration has confirmed that Brantly Tomlinson, who prevailed in a primary run-off election conducted on June 28, 2022, is the only candidate in the aforementioned general election for the office and seat representing District Five on Kershaw County Council; and

WHEREAS, absent prior action by the undersigned, a vacancy will remain in the office and seat representing District Five on Kershaw County Council such that the residents thereof will be without representation on Kershaw County Council pending the results of the November 8, 2022 general election, which is now uncontested, and qualification of a successor to serve as a member of Kershaw County Council for the term prescribed by law, which shall commence on January 3, 2023, in accordance with section 4-11-10 of the South Carolina Code of Laws, as amended; and

WHEREAS, in the event of a vacancy in a county office, the undersigned is authorized to appoint a suitable person, who shall be an elector of the county, to serve in such office pursuant to sections 1-3-220(2) and 4-11-20(1) of the South Carolina Code of Laws, as amended; and

WHEREAS, for the aforementioned reasons, and in accordance with the cited authorities and other applicable law, the undersigned has determined that it is appropriate under the circumstances presented to appoint a suitable person to serve as a member of Kershaw County Council, in the office in the office and seat representing District Five, until a successor shall qualify as provided by law, *see Op. Att’y Gen.*, 1996 WL 599395, at *1 (S.C.A.G. Sept. 9, 1996); *see also Bradford v. Byrnes*, 221 S.C. 255, 262, 70 S.E.2d 228, 231 (1952) (“As nature abhors a void, the law of government does not ordinarily countenance an *interregnum*.”); and

WHEREAS, Brantly Tomlinson, of Camden, South Carolina, is a fit and proper person to serve as a member of Kershaw County Council representing District Five.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby appoint Brantly Tomlinson to serve as a member of Kershaw County Council representing District Five until a successor shall qualify as provided by law. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 19th DAY OF JULY, 2022.

HENRY MCMASTER
Governor

8 EXECUTIVE ORDERS

Executive Order No. 2022-23

WHEREAS, on July 21, 2022, a Grand Jury convened in Dorchester County returned an Indictment charging Ralph A. Martino, a member of the Town Council of the Town of St. George, with Obstructing Justice, in violation of the Common Law of South Carolina; and

WHEREAS, article VI, section 8 of the South Carolina Constitution provides, in relevant part, that “[a]ny officer of the State or its political subdivisions . . . who has been indicted by a grand jury for a crime involving moral turpitude . . . may be suspended by the Governor until he shall have been acquitted” and “[i]n case of conviction the office shall be declared vacant and the vacancy filled as may be provided by law”; and

WHEREAS, Ralph A. Martino, as a member of the Town Council of the Town of St. George, is an officer of the State or its political subdivisions; and

WHEREAS, under South Carolina law, moral turpitude “implies something immoral in itself, regardless of whether it is punishable by law as a crime,” involves “an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellow man, or to society in general, contrary to the accepted and customary rule of right and duty between man and man,” or otherwise includes conduct “contrary to justice, honesty[,] and good morals,” *State v. Horton*, 271 S.C. 413, 414–15, 248 S.E.2d 263, 263–64 (1978); *see also Baddourah v. McMaster*, 433 S.C. 89, 112, 856 S.E.2d 561, 573 (2021) (“Under South Carolina’s moral turpitude framework, we focus ‘primarily on the duty to society and fellow man [that] is breached by the commission of the crime.’”); and

WHEREAS, upon consideration of the circumstances presented, to include the particularized facts alleged in the Indictment and classification of the offense, the undersigned has determined that the aforementioned Indictment charges Ralph A. Martino with “a crime involving moral turpitude” for purposes of article VI, section 8 of the South Carolina Constitution, *cf. In re Yarborough*, 380 S.C. 104, 106, 668 S.E.2d 802, 803 (2008); *Op. Att’y Gen.*, 1986 WL 289761, at *1 (S.C.A.G. Feb. 26, 1986); *Op. Att’y Gen.*, 1979 WL 43251, at *1 (S.C.A.G. Oct. 16, 1979); and

WHEREAS, for the foregoing reasons, and in accordance with article VI, section 8 of the South Carolina Constitution, the undersigned is authorized to suspend Ralph A. Martino from office as a member of the Town Council of the Town of St. George until such time as he shall be acquitted or convicted or until a successor is elected and qualifies as provided by law, whichever event occurs first.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby suspend Ralph A. Martino from office as a member of the Town Council of the Town of St. George until such time as he shall be formally acquitted or convicted or until a successor is elected and qualifies as provided by law, whichever event occurs first. This action in no manner addresses the guilt or innocence of Ralph A. Martino and shall not be construed as an expression of any opinion on such question. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 22nd DAY OF JULY, 2022.**

HENRY MCMASTER
Governor

Executive Order No. 2022-24

WHEREAS, the undersigned has been notified of the passing of Reverend McKinley Washington, Jr., who previously served as a member of the South Carolina House of Representatives and the South Carolina Senate; and

WHEREAS, in addition to his dutiful service as a member of the South Carolina House of Representatives and the South Carolina Senate, McKinley Washington previously served the State of South Carolina as a member of the South Carolina Employment Security Commission and in various other state and local capacities; and

WHEREAS, Reverend McKinley Washington, Jr. was a dedicated public servant, principled leader, tireless community and civil rights advocate, and devoted father and family man, and his passing warrants the people of this State further recognizing and appropriately honoring his extraordinary legacy and lifetime of service to the State of South Carolina; and

WHEREAS, Title 4, Section 7(m) of the United States Code, as amended, provides that “[i]n the event of the death of a present or former official of the government of any State, . . . the Governor of that State . . . may proclaim that the National flag shall be flown at half-staff”; and

WHEREAS, section 10-1-161(E) of the South Carolina Code of Laws, as amended, provides that “upon the death of a person of extraordinary stature, the Governor may order that the flags atop the State Capitol Building be lowered to half-staff at a designated time or for a designated period of time.”

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby order that the flags atop the State Capitol be lowered to half-staff from sunrise until sunset on Saturday, July 30, 2022, in honor of Revered McKinley Washington, Jr. and in recognition of his extraordinary legacy and lifetime of service to the State of South Carolina. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 29th DAY OF JULY, 2022.

HENRY MCMASTER
Governor

Executive Order No. 2022-25

WHEREAS, the undersigned has been notified that there presently exists a vacancy in the office of Auditor of Anderson County due to the death of George Jackson “Jacky” Hunter, Jr.; and

WHEREAS, a general election for the unexpired term associated with the aforementioned office is scheduled to be held on November 8, 2022; and

WHEREAS, the Anderson County Board of Elections and Voter Registration has confirmed that John Benca, who prevailed in a primary election conducted on June 14, 2022, is the only candidate in the aforementioned general election for the office of Auditor of Anderson County; and

WHEREAS, absent prior action by the undersigned, a vacancy will remain in the office of Auditor of Anderson County such that the residents thereof will be without representation and services of a county auditor

10 EXECUTIVE ORDERS

pending the results of the November 8, 2022 general election, which is now uncontested, and qualification of a successor; and

WHEREAS, in the event of a vacancy in the office of a county auditor, the undersigned is authorized to appoint a suitable person, who shall be an elector of the county, to serve as county auditor pursuant to sections 1-3-220(2) and 4-11-20(1) of the South Carolina Code of Laws, as amended; and

WHEREAS, for the aforementioned reasons, and in accordance with the cited authorities and other applicable law, the undersigned has determined that it is appropriate under the circumstances presented to appoint a suitable person to serve as Auditor of Anderson County until a successor shall qualify as provided by law; and

WHEREAS, John Benca, of Anderson, South Carolina, is a fit and proper person to serve as Auditor of Anderson County.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby appoint John Benca to serve as Auditor of Anderson County until a successor shall qualify as provided by law. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 29th DAY OF JULY, 2022.**

**HENRY MCMASTER
Governor**

Executive Order No. 2022-26

WHEREAS, the undersigned has been notified of the passing of Corporal Sara K. Weaver of Florence County Emergency Medical Services, who dutifully served as a first responder in this State and died in the line of duty; and

WHEREAS, Corporal Weaver dedicated her life to serving the people of the State of South Carolina and the residents of Florence County, and her loss warrants the people of this State appropriately recognizing her distinguished service and honoring her supreme sacrifice; and

WHEREAS, Title 4, Section 7(m) of the United States Code, as amended, provides that “[i]n the event of . . . the death of a first responder working in any State, territory, or possession who dies while serving in the line of duty, the Governor of that State, territory, or possession may proclaim that the National flag shall be flown at half-staff”; and

WHEREAS, section 1-3-470 of the South Carolina Code of Laws, as amended, authorizes the undersigned, on the day of burial or other service for any firefighter or law enforcement officer in this State who died in the line of duty, to order that all flags on state buildings be lowered to half-staff in tribute to the deceased firefighter or law enforcement officer and to request that flags over the buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby order that all flags on state buildings be lowered to half-staff from sunrise until sunset on Saturday, August 13, 2022, in tribute to Corporal Weaver and in honor of her selfless service,

remarkable bravery, and supreme sacrifice in the line of duty. I request that all flags over the buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 12th DAY OF AUGUST, 2022.**

**HENRY MCMASTER
Governor**

12 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication on **August 26, 2022**, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201, at (803) 545-4200, or by email at coninfo@dhec.sc.gov.

Affecting Florence County

Medical University Hospital Authority d/b/a MUSC Health Florence Rehabilitation Center

Relocation of 40 inpatient rehabilitation beds from the Cedar Street Campus to MUSC Health Florence Medical Center and decrease 46 acute care beds at MUSC Health Florence Medical Center for a total of 264 acute care beds and a total of 40 rehabilitation beds at a total project cost of \$3,270,000.

Affecting Georgetown County

Georgetown Hospital Systems d/b/a Tidelands Georgetown Memorial Hospital

Purchase of a da Vinci Xi robotic surgical system at a total project cost of \$2,033,000.

Affecting Greenville County

Prisma Health-Upstate d/b/a Greenville Memorial Hospital

Purchase of a da Vinci Xi robotic surgical system at a total project cost of \$2,148,780.

Prisma Health-Upstate d/b/a Hillcrest Hospital

Purchase of a da Vinci Xi robotic surgical system at a total project cost of \$2,148,780.

Affecting York County

Amisub of South Carolina, Inc. d/b/a Piedmont Medical Center

Purchase of a Globus Medical-Excelsius GPS Robotic Navigation System at a total project cost of \$ 2,688,088.

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made as early as 30 days, but no later than 120 days, from **August 26, 2022**. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-4200 or email coninfo@dhec.sc.gov.

Affecting Greenwood County

Self Regional Healthcare

Renovation of an existing operating room to a hybrid operating room at a total project cost of \$3,286,147.

Affecting Horry County

Grand Strand Regional Medical Center, LLC d/b/a Grand Strand Medical Center

Purchase of a da Vinci Xi dual console robotic surgical system at a total project cost of \$2,542,500.

Grand Strand Regional Medical Center, LLC d/b/a Grand Strand Medical Center

Purchase of a Globus Medical-Excelsius GPS Robotic Navigation System at a total project cost of \$1,665,864.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**NOTICE OF GENERAL PUBLIC INTEREST**

Section IV of R.61-98, the State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation, requires that the Department of Health and Environmental Control evaluate and certify site rehabilitation contractors to perform site rehabilitation of releases from underground storage tanks under the State Underground Petroleum Environmental Response Bank (SUPERB) Act.

Class I Contractors perform work involving the collection and interpretation of investigative data; the evaluation of risk; and/or the design and implementation of corrective action plans. Class I applicants must satisfy registration requirements for a Professional Engineer or Geologist in South Carolina. Class II Contractors perform work involving routine investigative activities (e.g., soil or ground water sampling, well installation, aquifer testing) where said activities do not require interpretation of the data and are performed in accordance with established regulatory or industry standards.

Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and/or individuals listed below, please submit your comments in writing, no later than September 26, 2022, to:

Contractor Certification Program
South Carolina Department of Health and Environmental Control
Bureau of Land and Waste Management - Underground Storage Tank Program
Attn: Michelle Dennison
2600 Bull Street
Columbia, SC 29201

The following company and/or individuals have applied for certification as Underground Storage Tank Site Rehabilitation Contractors:

Class II**Elite Technologicies, Inc.**

Contact: April Rodgers
2265 Flint Hill Road
Camden, SC 29020

14 DRAFTING NOTICES

**CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27**

Statutory Authority: 1976 Code Sections 47-4-30 and 47-17-130

Notice of Drafting:

The Livestock-Poultry Health Commission is considering modernizing, clarifying and updating existing regulations which govern, to the extent authorized by S. C. Code, Title 47, Chapter 4, the inspection of meat and meat food products produced for intrastate commerce.

Interested parties should submit written comments to Dr. James H. Hollis, Director, South Carolina Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, S. C. 29224-2406. To be considered, comments should be received no later than September 23, 2022, the close of the drafting comment period.

Synopsis:

This regulation is being promulgated to comply with the Federal Meat Inspection Act (21 USC 661, Section 301) which establishes Federal-State Cooperative Meat Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations at least as stringent as those adopted by the United States Government. This regulation will in effect, adopt the current Federal Meat Inspection Regulations with some minor exceptions for some state specific requirements, such as utilizing state marks of inspection, designating use of state holidays and other similar requirements.

This regulation will not require legislative action.

**CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27**

Statutory Authority: 1976 Code Sections 47-4-30, 47-19-30, and 47-19-170

Notice of Drafting:

The Livestock-Poultry Health Commission is considering modernizing, clarifying and updating existing regulations which govern, to the extent authorized by S.C. Code, Title 47, Chapter 4, the inspection of poultry products produced for intrastate commerce.

Interested parties should submit written comments to Dr. James H. Hollis, Director, South Carolina Meat-Poultry Inspection Department, P.O. Box 102406, Columbia, S.C. 29224-2406. To be considered, comments should be received no later than September 23, 2022, the close of the drafting comment period.

Synopsis:

This regulation is being promulgated to comply with the Poultry Products Inspection Act (21 USC 454, Section 5) which establishes Federal-State Cooperative Poultry Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations at least as stringent as those adopted by the United States Government. This regulation will in effect, adopt the current Federal Poultry Products Inspection Regulations with some minor exceptions for some state specific requirements, such as utilizing state marks of inspection, designating use of state holidays, and other similar requirements.

This regulation will not require legislative action.

**DEPARTMENT OF CONSUMER AFFAIRS
CHAPTER 28**

Statutory Authority: 1976 Code Sections 37-6-104, 37-6-402, 37-6-403, and 37-6-506

Notice of Drafting:

The South Carolina Department of Consumer Affairs proposes to promulgate Regulation 28-58 to provide guidance on regular schedule of payments for consumer loans, Section 37-3-511. Interested parties are invited to present their views in writing by mail to Kelly Rainsford, Deputy Administrator/General Counsel, South Carolina Department of Consumer Affairs, P.O. Box 5757, Columbia, SC 29250 or by e-mail to KRainsford@scconsumer.gov. To be considered, comments must be received no later than 5:00 p.m. September 26, 2022, the close of the drafting comment period.

Synopsis:

Section 37-3-511 provides that certain consumer loans must be scheduled in substantially equal installments at equal periodic intervals except when the schedule is adjusted to the seasonal or irregular income of the debtor. The Department proposes to define the term “equal periodic interval” and provide other guidance regarding extended first payments and shortened first payments.

The regulation will require legislative review.

**DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS
CHAPTER 88**

Statutory Authority: 1976 Code Section 44-20-220

Notice of Drafting:

The Department of Disabilities and Special Needs proposes to revise Article 4, Day Programs for Persons with Intellectual Disability, in Chapter 88 of the South Carolina Code of State Regulations. Interested persons may submit their comments in writing to Constance Holloway, General Counsel, 3440 Harden Street Extension, Columbia, South Carolina, 29203. All comments must be received no later than 5:00pm on September 8, 2022, the close of the drafting comment period.

Synopsis:

The Department of Disabilities and Special Needs conducted a review of Article 4, Day Programs for Persons with Intellectual Disability, in Chapter 88, and proposes to amend and revise the regulatory language to update outdated references, and to amend certain sections to ensure proper and efficient administration of its duties.

Legislative review of these amendments is required.

**DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS
CHAPTER 88**

Statutory Authority: 1976 Code Section 44-20-220

Notice of Drafting:

The Department of Disabilities and Special Needs proposes to revise Article 2, Definitions, in Chapter 88 of the South Carolina Code of State Regulations. Interested persons may submit their comments in writing to Constance Holloway, General Counsel, 3440 Harden Street Extension, Columbia, South Carolina, 29203. All

16 DRAFTING NOTICES

comments must be received no later than 5:00pm on September 8, 2022, the close of the drafting comment period.

Synopsis:

The Department of Disabilities and Special Needs conducted a review of Article 2, Definitions, in Chapter 88, and proposes to amend and revise the regulatory language to update outdated references, and to amend certain sections to ensure proper and efficient administration of its duties.

Legislative review of these amendments is required.

DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS CHAPTER 88

Statutory Authority: 1976 Code Section 44-20-220

Notice of Drafting:

The Department of Disabilities and Special Needs proposes to revise Article 1, License Requirement for Facilities and Programs, in Chapter 88 of the South Carolina Code of State Regulations. Interested persons may submit their comments in writing to Constance Holloway, General Counsel, 3440 Harden Street Extension, Columbia, South Carolina, 29203. All comments must be received no later than 5:00pm on September 8, 2022, the close of the drafting comment period.

Synopsis:

The Department of Disabilities and Special Needs conducted a review of Article 1, License Requirement for Facilities and Programs, in Chapter 88, and proposes to amend and revise the regulatory language to update outdated references, and to amend certain sections to ensure proper and efficient administration of its duties.

Legislative review of these amendments is required.

DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS CHAPTER 88

Statutory Authority: 1976 Code Section 44-20-220

Notice of Drafting:

The Department of Disabilities and Special Needs proposes to amend Chapter 88 to add Article 6, regarding License Requirements for Community-Based Housing for Adults. Interested persons may submit their comments in writing to Constance Holloway, General Counsel, 3440 Harden Street Extension, Columbia, South Carolina, 29203. All comments must be received no later than 5:00pm on September 8, 2022, the close of the drafting comment period.

Synopsis:

The Department of Disabilities and Special Needs proposes to add Article 6, regarding setting forth the requirements for Licenses for Community-Based Housing for Adults receiving services from the Department of Disabilities and Special Needs.

Legislative review of these amendments is required.

**DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS
CHAPTER 88**

Statutory Authority: 1976 Code Section 44-20-220

Notice of Drafting:

The Department of Disabilities and Special Needs proposes to revise Article 9, Unclassified Facilities and Programs, in Chapter 88 of the South Carolina Code of State Regulations. Interested persons may submit their comments in writing to Constance Holloway, General Counsel, 3440 Harden Street Extension, Columbia, South Carolina, 29203. All comments must be received no later than 5:00pm on September 8, 2022, the close of the drafting comment period.

Synopsis:

The Department of Disabilities and Special Needs conducted a review of Article 9, Unclassified Facilities and Programs, in Chapter 88, and proposes to amend and revise the regulatory language to update outdated references, and to amend certain sections to ensure proper and efficient administration of its duties.

Legislative review of these amendments is required.

**DEPARTMENT OF EMPLOYMENT AND WORKFORCE
CHAPTER 47**

Statutory Authority: 1976 Code Sections 41-29-110 and 41-29-230

Notice of Drafting:

The South Carolina Department of Employment and Workforce proposes amending R.47-6, Benefit Ratio for Zero Taxable Wages. Interested persons may submit comments to Ellen Andrews-Morgan, Director of Governmental Affairs, SC Department of Employment and Workforce, P.O. Box 995, Columbia, SC 29202 or by emailing RegulationComments@dew.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on September 26, 2022, the close of the drafting comment period.

Synopsis:

R.47-6 instructs the Department on setting an employer's tax class when that employer has zero taxable wages. The Department proposes deleting obsolete sections that provide for assignment of employers to a tax class in the year 2011 only. The proposed amendment may also include corrections for clarity and readability, grammar, punctuation, codification, and overall improvement of the text of the regulation.

Legislative review of this amendment is required.

**DEPARTMENT OF EMPLOYMENT AND WORKFORCE
CHAPTER 47**

Statutory Authority: 1976 Code Sections 41-31-380, 41-31-390, 41-31-400, and 41-41-40

Notice of Drafting:

The South Carolina Department of Employment and Workforce proposes amending R.47-16, Contributions: Interest. Interested persons may submit comments to Ellen Andrews-Morgan, Director of Governmental Affairs, SC Department of Employment and Workforce, P.O. Box 995, Columbia, SC 29202 or by emailing

18 DRAFTING NOTICES

RegulationComments@dew.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on September 26, 2022, the close of the drafting comment period.

Synopsis:

Section 41-31-400 of the Code of Laws of South Carolina, 1976, confers upon the Department of Employment and Workforce all powers for collection of unpaid unemployment taxes, interest, and penalties that are conferred upon the Department of Revenue by Title 12 for the collection of unpaid income taxes. However, R.47-16, as currently written, provides the Department of Employment and Workforce with only the collection remedies set forth in Chapter 54 of Title 12 rather than the entire title. The Department proposes amending this regulation to allow the Department to exercise all powers and collection remedies conferred by statute. The Department proposes to remove the reference to “Chapter 54” of Title 12.

Section 41-41-40 of the Code of Laws of South Carolina, 1976, provides for collection of overpaid unemployment insurance benefits in the same manner provided in Sections 41-31-380 through 41-31-400 for the collection of past due employer contributions. The Department proposes removing the reference to employers in the provisions of this regulation related to liens filed in favor of the Department and may also add language to incorporate collection of overpaid unemployment insurance benefits into the text of this regulation. The Department may also propose a change to the title to include “liens” or “collection remedies”.

The proposed amendment may also include corrections for clarity and readability, grammar, punctuation, codification, and overall improvement of the text of the regulation.

Legislative review of this amendment is required.

DEPARTMENT OF EMPLOYMENT AND WORKFORCE CHAPTER 47

Statutory Authority: 1976 Code Sections 41-29-110, 41-29-230, and 41-31-45

Notice of Drafting:

The South Carolina Department of Employment and Workforce proposes amending R.47-501, Unemployment Trust Fund Solvency. The Department further proposes amending the text of R.47-500, Definitions, to update time-particular language and merging it into R.47-501. This will entail repealing R.47-500 and adding its amended definitions to R.47-501. Interested persons may submit comments to Ellen Andrews-Morgan, Director of Governmental Affairs, SC Department of Employment and Workforce, P.O. Box 995, Columbia, SC 29202 or by emailing RegulationComments@dew.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on September 26, 2022, the close of the drafting comment period.

Synopsis:

R.47-500 lists the definitions applicable to the Unemployment Trust Fund, which is administered by the Department and consists of contributions paid by employer to pay benefits to individuals unemployed due to no fault of their own. The Department proposes to amend the definition of “cap” and may make other additions, deletions, or revisions to definitions as needed for clarity, consistency with statutory requirements, and improved administration of the trust fund. The revised provisions of R.47-500 will be merged into R.47-501 to achieve a more functional, streamlined regulation.

The Department proposes to amend R.47-501 concerning the income needed to pay benefits in each year and return the trust fund to an adequate level. The current regulations require a solvency surcharge in situations that may not be equitable for employers. The Department may amend methodology used to calculate total income needed; adjust conditions triggering a solvency surcharge; increase or decrease the length of the rebuilding

period; and may make other additions, deletions, or revisions as needed to provide for enhanced stability of the fund, mitigation of the burden to employers associated with a fund rebuild, and response to novel or emergent economic conditions (such as those presented by natural disaster or declared emergency). The proposed amendment may also include corrections for clarity and readability, grammar, punctuation, codification, and overall improvement of the text of the regulation.

Legislative review of the proposed amendments and repeal is required.

DEPARTMENT OF EMPLOYMENT AND WORKFORCE
CHAPTER 47
Statutory Authority: 1976 Code Sections 41-29-110 and 41-29-230

Notice of Drafting:

The South Carolina Department of Employment and Workforce proposes amending R.47-21, Filing Claims for Benefits and Registration for Work. Interested persons may submit comments to Ellen Andrews-Morgan, Director of Governmental Affairs, SC Department of Employment and Workforce, P.O. Box 995, Columbia, SC 29202 or by emailing RegulationComments@dew.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on September 26, 2022, the close of the drafting comment period.

Synopsis:

R.47-21 provides information and instructions on filing an initial claim for benefits and continuous claims. The Department proposes updating this regulation to be consistent with current practices and procedures and with upgrades in the Department's technology. For example, the Department proposes amending the regulation to reflect that a claimant may file a claim for benefits electronically, and filing a claim is no longer required to be done in person at a Department office. The proposed amendment may also include corrections for clarity and readability, grammar, punctuation, codification, and overall improvement of the text of the regulation.

Legislative review of this amendment is required.

DEPARTMENT OF EMPLOYMENT AND WORKFORCE
CHAPTER 47
Statutory Authority: 1976 Code Sections 41-29-110 and 41-29-230

Notice of Drafting:

The South Carolina Department of Employment and Workforce proposes amending R.47-17, Information to be Furnished with Respect to Changes in Ownership, Notification of Acquisitions, and Methods for the Transfer of Experience Rating. Interested persons may submit comments to Ellen Andrews-Morgan, Director of Governmental Affairs, SC Department of Employment and Workforce, P.O. Box 995, Columbia, SC 29202 or by emailing RegulationComments@dew.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on September 26, 2022, the close of the drafting comment period.

Synopsis:

R.47-17 requires employers to furnish information to the Department under specific circumstances such as when an employer discontinues its business or acquires another business. The Department proposes updating this regulation to be consistent with current practices and procedures and upgrades in the Department's technology. The Department also proposes adding a requirement that employers notify the Department when

20 DRAFTING NOTICES

their contact information changes. The proposed amendment may also include corrections for clarity and readability, grammar, punctuation, codification, and overall improvement of the text of the regulation.

Legislative review of this amendment is required.

DEPARTMENT OF EMPLOYMENT AND WORKFORCE CHAPTER 47

Statutory Authority: 1976 Code Sections 41-29-110, 41-29-230, and 41-35-130

Notice of Drafting:

The South Carolina Department of Employment and Workforce proposes amending R.47-23, Offers of Work. Interested persons may submit comments to Ellen Andrews-Morgan, Director of Governmental Affairs, SC Department of Employment and Workforce, P.O. Box 995, Columbia, SC 29202 or by emailing RegulationComments@dew.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on September 26, 2022, the close of the drafting comment period.

Synopsis:

Pursuant to R.47-23 and under authority of S.C. Code Section 41-35-120(5), claimants may be disqualified from receiving benefits if the claimant refuses to accept available suitable work offered to them by the Department or an employer. The Department proposes updating this regulation to be consistent with modern operations and practices. Specifically, the Department proposes clarifying that employers may submit offers of work to potential employees by electronic methods in addition to the methods already contemplated by the regulation, which include written and oral offers of work. The proposed amendment may also include corrections for clarity and readability, grammar, punctuation, codification, and overall improvement of the text of the regulation.

Legislative review of this amendment is required.

DEPARTMENT OF EMPLOYMENT AND WORKFORCE CHAPTER 47

Statutory Authority: 1976 Code Sections 41-29-110 and 41-29-230

Notice of Drafting:

The South Carolina Department of Employment and Workforce proposes amending R.47-31, Public Employment Office. Interested persons may submit comments to Ellen Andrews-Morgan, Director of Governmental Affairs, SC Department of Employment and Workforce, P.O. Box 995, Columbia, SC 29202 or by emailing RegulationComments@dew.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on September 26, 2022, the close of the drafting comment period.

Synopsis:

R.47-31 defines the term "public employment office" as used in statutes and regulations related to the Department. The Department proposes updating this regulation to reflect modern operations and, specifically, that a public employment office may be virtual. The proposed amendment may also include corrections for clarity and readability, grammar, punctuation, codification, and overall improvement of the text of the regulation.

Legislative review of this amendment is required.

DEPARTMENT OF EMPLOYMENT AND WORKFORCE
CHAPTER 47
 Statutory Authority: 1976 Code Sections 41-29-110 and 41-29-230

Notice of Drafting:

The South Carolina Department of Employment and Workforce proposes amending R.47-36, Review of Rulings with Respect to the Status, Liability, and Rate Contributions of an Employer or Employing Unit. Interested persons may submit comments to Ellen Andrews-Morgan, Director of Governmental Affairs, SC Department of Employment and Workforce, P.O. Box 995, Columbia, SC 29202 or by emailing RegulationComments@dew.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on September 26, 2022, the close of the drafting comment period.

Synopsis:

Pursuant to R.47-36, the Department provides an administrative review and appeal process for employers, who wish to challenge status, liability, or rate of unemployment insurance contributions. The Department proposes to amend R.47-36 to better define the types of documents that are subject to this administrative review and appeal process and the associated deadlines. The proposed amendment will clarify the appeal rights of the affected parties and the responsibilities of the Department to provide due process to employers. The proposed amendment may also include corrections for clarity and readability, grammar, punctuation, codification, and overall improvement of the text of the regulation.

Legislative review of this amendment is required.

STATE BOARD OF FINANCIAL INSTITUTIONS
CONSUMER FINANCE DIVISION
CHAPTER 15
 Statutory Authority: 1976 Code Sections 34-41-10 to 34-41-130

Notice of Drafting:

The South Carolina State Board of Financial Institutions proposes to draft an amendment to R.15-65 and a new regulation addressing check-cashing service under Chapter 41 of Title 34. Interested persons may submit written comments to Ronald R. Bodvake, Commissioner, State Board of Financial Institutions, Consumer Finance Division, 1205 Pendleton Street, Suite 306, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 P.M. on September 26, 2022, the close of the drafting comment period.

Synopsis:

In 1998, the General Assembly added Chapter 41, Check-Cashing Service, to Title 34. Pursuant to Chapter 41, the Board licenses and regulates persons who conduct check-cashing services in South Carolina. Pursuant to Section 34-41-130, the Board may promulgate regulations necessary to carry out the purposes of Chapter 41, to provide for protection of the public, and to assist licensees in interpreting and complying with this chapter.

Under this authority, the proposed amendment to R.15-65 will recognize that licensing fees and costs are paid through the Nationwide Multistate Licensing System (NMLS). The proposed new regulation will recognize that the Board has adopted the forms and the content requirements as set forth in NMLS for all filings related to check-cashing services.

Legislative review of this proposal will be required.

22 DRAFTING NOTICES

STATE BOARD OF FINANCIAL INSTITUTIONS CONSUMER FINANCE DIVISION CHAPTER 15

Statutory Authority: 1976 Code Sections 34-41-10 to 34-41-130

Notice of Drafting:

The South Carolina State Board of Financial Institutions proposes to draft a new regulation addressing check-cashing service under Chapter 41 of Title 34. Interested persons may submit written comments to Ronald R. Bodvake, Commissioner, State Board of Financial Institutions, Consumer Finance Division, 1205 Pendleton Street, Suite 306, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 P.M. on September 26, 2022, the close of the drafting comment period.

Synopsis:

In 1998, the General Assembly added Chapter 41, Check-Cashing Service, to Title 34. Pursuant to Chapter 41, the Board licenses and regulates persons who conduct check-cashing services in South Carolina. Pursuant to Section 34-41-130, the Board may promulgate regulations necessary to carry out the purposes of Chapter 41, to provide for protection of the public, and to assist licensees in interpreting and complying with this chapter.

Under this authority, the Board plans to add a regulation. The proposed regulation will recognize that requiring a purchase of goods or services constitutes “other consideration” for purposes of Section 34-41-10(3) and (4).

Legislative review of this proposal will be required.

STATE BOARD OF FINANCIAL INSTITUTIONS CONSUMER FINANCE DIVISION CHAPTER 15

Statutory Authority: 1976 Code Sections 34-41-10 to 34-41-130

Notice of Drafting:

The South Carolina State Board of Financial Institutions proposes to draft a new regulation addressing check-cashing service under Chapter 41 of Title 34. Interested persons may submit written comments to Ronald R. Bodvake, Commissioner, State Board of Financial Institutions, Consumer Finance Division, 1205 Pendleton Street, Suite 306, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 P.M. on September 26, 2022, the close of the drafting comment period.

Synopsis:

In 1998, the General Assembly added Chapter 41, Check-Cashing Service, to Title 34. Pursuant to Chapter 41, the Board licenses and regulates persons who conduct check-cashing services in South Carolina. Pursuant to Section 34-41-70, the Board determines the books, accounts, and records that a person required to be licensed under Chapter 41 must maintain and may examine such records to determine compliance with Chapter 41 and the rules adopted pursuant to it. Pursuant to Section 34-41-130, the Board may promulgate regulations necessary to carry out the purposes of Chapter 41, to provide for protection of the public, and to assist licensees in interpreting and complying with this chapter.

Under this authority, the Board plans to add a regulation. The proposed regulation will identify the records that must be kept by a person required to be licensed as a check casher and establish the retention period that such records must be kept.

Legislative review of this proposal will be required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 89

Statutory Authority: 1976 Code Section 48-20-210

Notice of Drafting:

The Department of Health and Environmental Control (“Department”) proposes amending R.89-10 through 89-350, *Office of the Governor – Mining Council of South Carolina*, which regulate mining and exploratory excavation activities. Interested persons may submit comments on the proposed amendments to Juli Blalock, Assistant Bureau Chief of the Bureau of Land and Waste Management; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; swregdev@dhec.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on September 26, 2022, the close of the Notice of Drafting comment period.

Synopsis:

Pursuant to the South Carolina Mining Act, S.C. Code Ann., Sections 48-20-10 et seq., the Department establishes and enforces standards for the permitting, operation, and closure of mining and exploratory excavation activities. The Department proposes amending R.89-10 through 89-350 to more efficiently regulate mining activities and protect human and environmental health. More specifically, the Department proposes revising requirements for setbacks between mines and property lines and other structures. The Department may consider revisions to blasting, permitting, bonding, noticing, and operational requirements, and other administrative changes.

The proposed amendments may also include updates, corrections, or other changes for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

The Administrative Procedures Act, S.C. Code Ann., Section 1-23-120(A), requires General Assembly review of these proposed amendments.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Sections 44-55-10 et seq.

Notice of Drafting:

The Department of Health and Environmental Control (“Department”) proposes amending R.61-58, State Primary Drinking Water Regulations. Interested persons may submit comment(s) on the proposed amendments to Richard Welch of the Bureau of Water; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; welchra@dhec.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on September 26, 2022, the close of the Notice of Drafting comment period.

Synopsis:

Pursuant to 1976 Code Sections 44-55-10 et seq., the Department is authorized to regulate public water systems and to promulgate regulations governing the design, construction, operation, and maintenance of public water systems in the state. The Department proposes amending R.61-58.7, Operation and Maintenance, of the State Primary Drinking Water Regulations to incorporate internal inspection requirements for atmospheric drinking

24 DRAFTING NOTICES

water storage tanks. This new requirement would apply to all atmospheric drinking water storage tanks, both new and existing

The proposed amendments may also include corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

DEPARTMENT OF LABOR, LICENSING AND REGULATION CHAPTER 10

Statutory Authority: 1976 Code Section 40-1-50

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation proposes to add to, amend or repeal fees within the fee schedules for certain boards and commissions whose fees appear in Chapter 10 of the South Carolina Code of Regulations. The affected sections will be Regulations 10-3, 10-14, 10-25, 10-26, 10-30, 10-33, 10-37, 10-40, and 10-41. Interested persons may submit comments to Holly Beeson, Counsel to the Office of Communications and Governmental Affairs, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

Synopsis:

South Carolina Code Section 40-1-50(D) requires the Director of the South Carolina Department of Labor, Licensing and Regulation to assess, collect and adjust fees on behalf of each board and commission to ensure that they are sufficient but not excessive to cover the expenses incurred, including the total of the direct and indirect costs to the State, for the operations of each respective board or commission. The Director has conducted a comprehensive review of each board and commission's finances and has concluded that fee adjustments are required for the following boards and commissions: the Board of Architectural Examiners, Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho-Educational Specialists, Board of Registration for Professional Engineers and Surveyors, Board of Nursing, Board of Occupational Therapy, Board of Physical Therapy Examiners, Real Estate Commission, Soil Classifiers Advisory Council, and Board of Speech-Language Pathology and Audiology. These fee schedules will be further amended to add, amend or remove any other board or commission fees as necessary.

Legislative review of this amendment is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION CHAPTER 10

Statutory Authority: 1976 Code Sections 40-1-50, 40-19-60, 40-38-60, 40-47-10, 40-51-40, 40-55-40, 40-69-60, 40-82-60, and 40-82-70

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation proposes to add to, amend or repeal fees within the fee schedules for certain boards and commissions whose fees appear in Chapter 10 of the South Carolina Code of Regulations. The affected sections will be Regulations 10-17, 10-20, 10-24, 10-27, 10-32, 10-34, and 10-42. Interested persons may submit comments to Holly Beeson, Counsel to the Office of Communications and Governmental Affairs, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation proposes to add to, amend or repeal fees within the fee schedules for certain boards and commissions whose fees appear in Chapter 10 of the South Carolina Code of Regulations. Specifically, the Department wishes to amend the fee schedules to add to, modify or repeal fees that are charged to licensees for the following boards or commissions: the Board of Funeral Service, the Liquefied Petroleum Gas Board, the Board of Medical Examiners, the Board of Examiners in Opticianry, the Board of Podiatry Examiners, the Board of Examiners in Psychology and the Board of Veterinary Medical Examiners. The amendments are necessary to ensure that fees required by law to be charged are included in the fee schedules, fees are charged in the correct amounts, and fees that are not authorized by law to be charged are removed from the fee schedules.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE ATHLETIC COMMISSION
CHAPTER 20**

Statutory Authority: 1976 Code Section 40-81-70(A)(6)

Notice of Drafting:

The South Carolina Athletic Commission proposes to amend R.20-28.01, the code of ethics, to clarify the guidance provided to officials regarding the allowable value of gifts received or solicited from promoters, managers, trainers or fighters. Interested persons may submit comments to Holly Beeson, Counsel to the Office of Communications and Governmental Affairs, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Athletic Commission promulgated into regulation a code of ethics applicable to contestants and to officials during the 2022 legislative session. The Commission now seeks to amend R.20-28.01 to provide a more definite statement for officials on what is meant by the section prohibiting them from accepting or soliciting gifts of “significant monetary value” from promoters, managers, trainers or fighters.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE BOARD OF BARBER EXAMINERS
CHAPTER 17**

Statutory Authority: 1976 Code Sections 40-7-50, 40-7-60, and 40-7-355

Notice of Drafting:

The South Carolina Board of Barber Examiners proposes to amend R.17-3 to clarify that teachers and instructors in barber schools or colleges may not provide professional services to clients during the time they are in school settings. Interested persons may submit comments to Theresa Brown, Administrator, Board of Barber Examiners, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

Synopsis:

26 DRAFTING NOTICES

The South Carolina Board of Barber Examiners conducted a comprehensive review of its regulations and updated the same during the 2022 legislative session. The Board now seeks to amend R.17-3 to provide a more definite statement for teachers and instructors in barber schools or colleges related to professional services. The current language states that teachers and instructors in barber schools or colleges cannot perform any professional work during school hours, and the Board wishes to clarify that this is meant only to apply while the teacher or instructor is in the school setting.

Legislative review of this amendment is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION STATE BOARD OF DENTISTRY

CHAPTER 39

Statutory Authority: 1976 Code Section 40-15-40

Notice of Drafting:

The South Carolina Board of Dentistry proposes to amend its regulations, appearing in Chapter 39 of the South Carolina Code of Regulations, following a comprehensive review conducted pursuant to S.C. Code Section 1-23-120(J). Interested persons may submit comments to Meredith Buttler, Administrator, Board of Dentistry, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Board of Dentistry proposes to amend its regulations, appearing in Chapter 39 of the South Carolina Code of Regulations, following a comprehensive review conducted pursuant to S.C. Code Section 1-23-120(J).

Legislative review of this amendment is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF ELEVATORS AND AMUSEMENT RIDES

CHAPTER 71

Statutory Authority: 1976 Code Sections 41-16-140 and 41-18-120

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation, Office of Elevators and Amusement Rides, proposes to amend its regulations, appearing in Chapter 71 of the South Carolina Code of Regulations, following a comprehensive review conducted pursuant to S.C. Code Section 1-23-120(J). Interested persons may submit comments to: Duane Scott, Sr., Office of Elevators and Amusement Rides, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation, Office of Elevators and Amusement Rides, proposes to amend its regulations, appearing in Chapter 71 of the South Carolina Code of Regulations, following a comprehensive review conducted pursuant to S.C. Code Section 1-23-120(J).

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
LIQUEFIED PETROLEUM GAS BOARD
CHAPTER 92**

Statutory Authority: 1976 Code Sections 40-1-70, 40-82-60, and 40-82-70

Notice of Drafting:

The South Carolina Liquefied Petroleum Gas Board proposes to add regulations to Chapter 92 of the Code of Regulations. These regulations will include regulations currently appearing in R.71-8304, as currently written and as amended, and new regulations necessary to implement the requirements set forth in S.C. Code Section 40-82-5 et seq. Interested persons may submit comments to Molly F. Price, Administrator, Liquefied Petroleum Gas Board, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

Synopsis:

The South Carolina Liquefied Petroleum (LP) Gas Board proposes adding regulations to Chapter 92 of the Code of Regulations. Presently, the LP Gas Board's regulations appear in R. 71-8304 of the Code alongside regulations of the Office of the State Fire Marshal. Prior to 2017, the Licensing and Permitting Section of the Office of the State Fire Marshal provided the administration and support functions of the LP Gas Board. After that date, however, those functions were transferred to the Professional and Occupational Licensing Division of LLR and are performed by LP Gas Board staff. The Board now seeks to move its regulations to a chapter dedicated specifically to the LP Gas Board to be consistent with other professional and occupational licensing boards at LLR and to more readily-accessible to the interested public.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
SOUTH CAROLINA BOARD OF LONG TERM HEALTH CARE ADMINISTRATORS
CHAPTER 93**

Statutory Authority: 1976 Code Sections 40-35-40, 40-35-45, 40-35-50, and 40-35-60

Notice of Drafting:

The South Carolina Board of Long Term Health Care Administrators proposes to amend various sections in Chapter 93. Interested parties may submit comments to Meredith Buttler, Administrator, Board of Long Term Health Care Administrators, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

Synopsis:

The South Carolina Board of Long Term Health Care Administrators proposes to amend Chapter 93, including but not limited to providing clarification and guidance regarding the operation of a facility, administrators in training, examinations, initial licenses, provisional licenses, retired and inactive licenses, continuing education, and reinstatement of licensees.

Legislative review of this amendment is required.

28 DRAFTING NOTICES

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
COMMISSIONERS OF PILOTAGE
CHAPTER 136**

Statutory Authority: 1976 Code Sections 40-1-70 and 54-15-140

Notice of Drafting:

The Commissioners of Pilotage for the Lower Coastal area propose to amend the following sections of the Code of Regulations following a comprehensive review of their regulations conducted pursuant to S.C. Code Section 1-23-120(J): Regulations 136-012, 136-014, 136-015, 136-016, 136-020, 136-030, 136-035, 136-040, 136-045, 136-060, 136-061, 136-070, 136-075 and 136-090. Interested parties may submit comments to Laura Smith, Administrator, Commissioners of Pilotage, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11419, Columbia, SC 29211.

Synopsis:

The Commissioners of Pilotage, Lower Coastal Area, propose to amend the aforementioned regulations to clarify or correct language appearing in Article 1 of Chapter 136, for the purpose of promoting the health, safety and economic well-being of the public, and reflecting the current state of pilotage as it serves marine commerce in the Port of Charleston and the Lower Coastal Area.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE BOARD OF EXAMINERS IN PSYCHOLOGY
CHAPTER 100**

Statutory Authority: 1976 Code Sections 40-1-70 and 40-55-40(d)

Notice of Drafting:

The Board of Examiners in Psychology proposes to add to, amend and/or repeal its regulations in Chapter 100 of the Code of Regulations. Interested parties may submit comments to Pam Dunkin, Interim Administrator, Board of Examiners in Psychology, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

Synopsis:

The Board of Examiners in Psychology proposes to add to, amend and/or repeal its regulations in Chapter 100 of the Code of Regulations.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION
Chapter 106**

Statutory Authority: 1976 Code Section 40-59-70

Notice of Drafting:

The South Carolina Residential Builders Commission proposes to amend Regulation 106-1(d) regarding siding and to add a regulation regarding S.C. Code Sections 40-59-260 and 40-59-265, the latter of which was

recently added by 2022 Act No. 186. Interested persons may submit comments to Janet Baumberger, Administrator, Residential Builders Commission, Post Office Box 11329, Columbia, S.C. 29211-1139.

Synopsis:

The South Carolina Residential Builders Commission proposes to amend Regulation 106-1 to clarify that the vinyl and aluminum siding installer registration includes other sidings common to the residential building industry, such as HardiPlank, and that the trade classification is not limited to vinyl and aluminum sidings. The Commission further wishes to add a regulation addressing ambiguities in S.C. Code Sections 40-59-260 and 265.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE BOARD OF SOCIAL WORK EXAMINERS**

CHAPTER 110

Statutory Authority: 1976 Code Sections 40-1-70 and 40-63-70

Notice of Drafting:

The Board of Social Work Examiners proposes to add to, amend and/or repeal its regulations in Chapter 110 of the Code of Regulations. Interested parties may submit comments to Pam Dunkin, Interim Administrator, Board of Social Work Examiners, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

Synopsis:

The Board of Social Work Examiners proposes to add to, amend and/or repeal its regulations in Chapter 110 of the Code of Regulations.

Legislative review of this amendment is required.

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-60, 50-1-200, 50-1-220, 50-9-650, 50-11-10, 50-11-105, 50-11-310, 50-11-315, 50-11-320, 50-11-365, 50-11-390, 50-11-410, 50-11-430, 50-11-500, 50-11-525, 50-11-530, 50-11-580, 50-11-2200 and 50-11-2210

Notice of Drafting:

The Department of Natural Resources proposes to amend Regulations 123-40 Wildlife Management Area Regulations and 123-53 Bear Hunting Rules and Seasons. The subject of the proposed action is to amend seasons, bag limits, and methods of hunting and taking of wildlife on existing Wildlife Management Areas. Any person interested may submit written comments to Emily Cope, Deputy Director, Wildlife & Freshwater Fisheries Division, S.C. Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

Synopsis:

These amended regulations will establish seasons, bag limits, and methods of take on Wildlife Management Areas including provisions for hunting on Sundays on specified dates and areas in the Wildlife Management

32 DRAFTING NOTICES

Area Program. Heretofore, hunting has not been allowed on Sundays on WMA lands. Additionally, amended regulations will expand bear hunting opportunity in Florence and Anderson counties.

Legislative review of this amendment is required.

Document No. 5111
STATE ETHICS COMMISSION
CHAPTER 52

Statutory Authority: 1976 Code Sections 8-13-320, 8-13-365, 8-13-1110, 8-13-1140, 8-13-1306, and 8-13-1356

52-501. General.

52-502. Responsibility of Persons Accepting Declarations of Candidacy or Petitions for Nomination.

Preamble:

The State Ethics Commission proposes to amend Regulation 52-501 to replace language related to paper filing with language related to electronic filing and Regulation 52-502 to replace language related to paper filing with language related to electronic filing and to replace the outdated filing deadlines with those currently mandated by statute.

Section-by-Section Discussion:

52-501. General.

A.-B. No changes.

C. Add reference to electronic filing and delete reference to paper filing.

D. No changes.

52-502. Responsibility of Persons Accepting Declarations of Candidacy or Petitions for Nomination.

A. No changes.

B. Delete in its entirety.

C. Add reference to electronic filing and delete reference to paper filing.

D. Delete in its entirety.

The Notice of Drafting was published in the *State Register* on June 24, 2022.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the State Ethics Commission on November 17, 2022, at 9:30 a.m. Written comments may be directed to Meghan Walker, Executive Director, State Ethics Commission, 201 Executive Center Drive, Suite 150, Columbia, SC 29210, no later than 5:00 p.m., September 26, 2022. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

These regulations are amended in accordance with Sections 8-13-320, 8-13-365, 8-13-1110, 8-13-1140, 8-13-1306, and 8-13-1356 of the 1976 Code, as amended, regarding Commission filings, to include replacing language related to paper filing with language related to electronic filing and to replace outdated filing deadlines with those currently required by statute.

32 PROPOSED REGULATIONS

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating the regulations to replace language related to paper filing with language related to electronic filing and to replace outdated filing deadlines with those currently required by statute.

Legal Authority: 1976 Code Sections 8-13-320, 8-13-365, 8-13-1110, 8-13-1140, 8-13-1306, and 8-13-1356.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The Agency is updating the regulations to reflect the current statutory language.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated to conform to the statutory language requiring filings with the Commission to be submitted through the Commission's electronic filing system and to remove references to paper filing.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5112
STATE ETHICS COMMISSION
CHAPTER 52

Statutory Authority: 1976 Code Sections 8-13-320 and 8-13-540

- 52-702. Initiating a Complaint.
- 52-713. Conduct of Hearings.
- 52-718. Confidentiality of Proceedings.

Preamble:

The State Ethics Commission proposes to amend Regulation 52-702 regarding the Commission’s jurisdiction, Regulation 52-713 regarding Commission hearings, and Regulation 52-718 regarding confidentiality during the complaint process.

Section-by-Section Discussion:

52-702. Initiating a Complaint.

- A. Delete language excluding members of General Assembly from Commission’s complaint process.
- B. Delete language regarding Administrative Law Judges.
- C.-D. No changes.

52-713. Conduct of Hearings.

- A. No changes.
- B. Delete in its entirety.
- C.-D. No changes.

52-718. Confidentiality of Proceedings.

- A. Delete in its entirety.
- B.-C. No changes.
- D. Delete in its entirety.
- E. Delete in its entirety.

The Notice of Drafting was published in the *State Register* on June 24, 2022.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the State Ethics Commission on November 17, 2022, at 9:30 a.m. Written comments may be directed to Meghan Walker, Executive Director, State Ethics Commission, 201 Executive Center Drive, Suite 150, Columbia, SC 29210, no later than 5:00 p.m., September 26, 2022. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

34 PROPOSED REGULATIONS

These regulations are amended in accordance with Sections 8-13-320 and 8-13-540 of the 1976 Code, as amended, to include language referring to the Commission's investigatory jurisdiction over candidates for and members of the General Assembly; to clarify that the Commission does not have jurisdiction over Administrative Law Judges; to clarify that all contested case hearings are held in open session; and to delete provisions related to confidentiality that conflict with the statute.

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating the regulations to reflect changes in statute regarding the Commission's investigatory jurisdiction over candidates for and members of the General Assembly and that all contested case hearings are held in open session.

Legal Authority: 1976 Code Sections 8-13-320 and 8-13-540.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The Agency is updating the regulations to reflect the current statutory language.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated to conform to the statutory language regarding candidates for and members of the General Assembly and to delete provisions related to confidentiality that conflict with the statute.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5113
STATE ETHICS COMMISSION
CHAPTER 52
Statutory Authority: 1976 Code Section 8-13-320

52-208. Computation of Time.
52-210. Notice of Representation.

Preamble:

The State Ethics Commission proposes to amend Regulation 52-208 to clarify that the proper court for appeals from Commission contested case hearings is the Court of Appeals and Regulation 52-210 to clarify that the Commission's attorney alone represents the Commission and the Complainant during a contested case hearing.

Section-by-Section Discussion:

52-208. Computation of Time.

- A.-B. No changes.
- C. Change Circuit Court to Court of Appeals.

52-210. Notice of Representation.

- A. Remove language regarding Complainant's counsel.
- B.-D. No changes.

The Notice of Drafting was published in the *State Register* on June 24, 2022.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the State Ethics Commission on November 17, 2022, at 9:30 a.m. Written comments may be directed to Meghan Walker, Executive Director, State Ethics Commission, 201 Executive Center Drive, Suite 150, Columbia, SC 29210, no later than 5:00 p.m., September 26, 2022. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

These regulations are amended in accordance with Section 8-13-320 of the 1976 Code, as amended, regarding the appeal from Commission contested case hearings. Section 8-13-320 requires all appeals from contested cases to be to the South Carolina Court of Appeals. Section 8-13-320 does not contemplate individual representation of a Complainant and Regulation 52-703 allows the Commission to process cases without input from the Complainant.

DESCRIPTION OF REGULATION:

36 PROPOSED REGULATIONS

Purpose: The Agency is updating the regulations to reflect changes in the statute requiring appeals to be directed to the South Carolina Court of Appeals and to clarify that Complainants are not individually represented during Commission hearings.

Legal Authority: 1976 Code Section 8-13-320.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The Agency is updating the regulations to reflect the current statutory language.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated to conform to the statutory language requiring appeals from the Commission's contested case hearings to be to the South Carolina Court of Appeals and to clarify that Complainants are not individually represented during Commission hearings.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5114
STATE ETHICS COMMISSION
CHAPTER 52

Statutory Authority: 1976 Code Sections 2-17-20, 2-17-25, 2-17-30, 2-17-35, 2-17-40, 2-17-90, 8-13-320, and 8-13-365

52-402. Lobbyist's and Lobbyist's Principal Registration, Termination, Supplemental Registration, Record Keeping, and Reregistration Requirements.

52-403. Lobbyists and Lobbyist's Principal Reporting Requirements.

Preamble:

The State Ethics Commission proposes to amend Regulations 52-402 and 52-403 regarding Commission filings for lobbyists and lobbyist's principals, to include updating language to reflect the current electronic filing system and to align the filing deadlines with those required by statute.

Section-by-Section Discussion:

52-402. Lobbyist's and Lobbyist's Principal Registration, Termination, Supplemental Registration, Record Keeping, and Reregistration Requirements.

- A. No changes.
- B. Adds reference to electronic filing and deletes reference to paper filing.
- C. Adds reference to electronic filing and deletes reference to paper filing.
- D.-E. No changes.

52-403. Lobbyists and Lobbyist's Principal Reporting Requirements.

- A. Updates filing deadlines.
- B. Updates filing deadlines and removes outdated reporting period.
- C. Updates filing deadlines.
- D. Updates filing deadlines.

The Notice of Drafting was published in the *State Register* on June 24, 2022.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the State Ethics Commission on November 17, 2022 at 9:30 a.m. Written comments may be directed to Meghan Walker, Executive Director, State Ethics Commission, 201 Executive Center Drive, Suite 150, Columbia, SC 29210, no later than 5:00 p.m., September 26, 2022. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

These regulations are amended in accordance with Section 8-13-365 of the 1976 Code, as amended, which requires the Commission to establish a system of electronic filing for all disclosures and reports required pursuant to Chapter 17, Title 2. S.C. Code Ann. Sections 2-17-20 and 2-17-25 requires lobbyists and lobbyist's

38 PROPOSED REGULATIONS

principals to file a notice of intent to terminate within ten days of ceasing lobbying. S.C. Code Ann. Sections 2-17-30, 2-17-35, and 2-17-40 require each lobbyist and lobbyist's principal to file disclosure statements no later than June thirtieth and January thirty-first of each year and provides that the reporting periods for these statements are January first to May thirty-first and June first to December thirty-first.

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating the regulation to reflect the current electronic filing system and to align the filing deadlines and reporting periods with those required by statute.

Legal Authority: 1976 Code Sections 2-17-20, 2-17-25, 2-17-30, 2-17-35, 2-17-40, 2-17-90, 8-13-320, and 8-13-365.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The Agency is updating the regulations to align with current statutory language.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated reflect the use of the current electronic filing system and to align the filing dates and reporting periods with the current statutory language.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5115
STATE ETHICS COMMISSION
CHAPTER 52

Statutory Authority: 1976 Code Sections 8-13-320, 8-13-365, 8-13-1110, 8-13-1140, 8-13-1306,
and 8-13-1356

52-601. General.

52-607. Candidates' and Incumbents' Statements of Economic Interests.

Preamble:

The State Ethics Commission proposes to amend Regulations 52-601 and 52-607 to delete language related to paper filing and to replace outdated filing deadlines with those required by statute.

Section-by-Section Discussion:

52-601. General.

- A. No changes.
- B. Delete in its entirety.
- C. Update filing deadline.
- D. Update filing deadline.

52-607. Candidates' and Incumbents' Statements of Economic Interests.

- A. No changes.
- B. Delete in its entirety.
- C. Delete reference to paper filing and include reference to electronic filing.
- D. Delete in its entirety.
- E. No changes.

The Notice of Drafting was published in the *State Register* on June 24, 2022.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the State Ethics Commission on November 17, 2022 at 9:30 a.m. Written comments may be directed to Meghan Walker, Executive Director, State Ethics Commission, 201 Executive Center Drive, Suite 150, Columbia, SC 29210, no later than 5:00 p.m., September 26, 2022. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

These regulations are amended in accordance with Sections 8-13-320, 8-13-365, 8-13-1110, 8-13-1140, 8-13-1306, and 8-13-1356 of the 1976 Code, as amended, regarding Commission filings, to include updating language to reflect the current electronic filing system, to align the filing deadlines with those required by statute, and to remove language rendered unnecessary by statute.

40 PROPOSED REGULATIONS

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating the regulations to reflect changes in statute requiring filings with the Commission to be submitted electronically and to remove language made unnecessary by statute.

Legal Authority: 1976 Code Sections 8-13-320, 8-13-365, 8-13-1110, 8-13-1140, 8-13-1306, and 8-13-1356.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The Agency is updating the regulations to reflect the current statutory language.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated to conform to the statutory language requiring filings with the Commission to be submitted through the Commission's electronic filing system and to remove language made unnecessary by statute.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5116
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
 Statutory Authority: 1976 Code Sections 48-1-10 et seq.

61-69. Classified Waters.

Preamble:

Pursuant to S.C. Code Sections 48-1-10 et seq., R.61-69 establishes the State’s site-specific water quality standards and provides a listing of all named and specific unnamed waterbodies, their classifications, and locations. The Department of Health and Environmental Control (“Department”) proposes amending R.61-69 to clarify and correct, as needed, waterbody names, counties, classes, and descriptions. The Department also proposes stylistic changes for overall improvement of the text of the regulation. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

The Department had a Notice of Drafting published in the February 25, 2022, South Carolina State Register.

Section-by-Section Discussion of Proposed Amendments:

Section	Type of Change	Purpose
Table of Contents	Technical Correction	Amended title of Section H for consistency.
A. Criteria for Classes	Technical Correction	Amended to correct punctuation.
F. Notations for Site-Specific Standards and Previous Class	Technical Correction	Amended to correct spelling.
H. List of Waterbody Names, County(ies), Class, and Descriptions		
Section Title	Technical Correction	Amended to correct verb tense.
Ashley River	Technical Correction	Amended to correct spacing and punctuation.
Ashpole Swamp	Technical Correction	Amended to correct spelling of waterbody name.
Atlantic Intracoastal Waterway	Revision	Amended the ORW(SFH) listing for accuracy.
Baker Creek	Revision	Amended waterbody name for consistency.
Bates Old River	Addition	Added waterbody to address Congaree National Park expansion.
Battery Creek	Technical Correction	Amended to correct punctuation.
Bear Creek	Technical Correction	Amended to correct county abbreviation.
Beaverdam Creek	Technical Correction	Amended to correct punctuation.
Big Dutchmans Creek	Revision	Amended waterbody names for consistency.
Big Pine Tree Creek	Technical Correction	Amended to correct county abbreviation.
Black Creek	Revision	Amended to clarify road names.
Black River	Revision	Amended to clarify road names.

42 PROPOSED REGULATIONS

Section	Type of Change	Purpose
Brasstown Creek	Revision	Amended for grammatical accuracy.
Broad River	Technical Correction	Amended to correct county abbreviation.
Brushy Creek	Revision	Amended for grammatical accuracy.
Buckhorn Creek	Revision	Amended for grammatical accuracy.
Catawba-Wateree River	Technical Correction	Amended to correct county abbreviation.
Cedar Creek	Revision	Amended for grammatical accuracy.
Cedar Creek Reservoir	Technical Correction	Amended to correct county abbreviation.
Chauga River	Revision	Amended to clarify road names.
Cheohee Creek	Revision	Amended for grammatical accuracy.
Coastal Waters	Technical Correction	Amended to correct punctuation.
Combahee River	Revision	Amended for grammatical accuracy.
Debidue Creek	Revision	Amended for grammatical accuracy.
Devils Fork	Revision	Amended for grammatical accuracy.
Edisto River	Revision	Amended to clarify road names.
Fishing Creek Lake	Technical Correction	Amended to correct county abbreviation.
Folly River	Technical Correction	Amended to correct capitalization.
Foreteen Mile Creek	Revision	Amended waterbody name for consistency.
Golden Creek	Revision	Amended waterbody name for consistency.
Granny's Quarter Creek	Technical Correction	Amended to correct county abbreviation.
Guerin Creek	Technical Correction	Amended to correct capitalization.
Gulley Branch	Revision	Amended waterbody name for consistency.
Hanging Rock Creek	Technical Correction	Amended to correct county abbreviation.
Hawe Creek	Revision	Amended waterbody name for consistency.
Howard Creek	Revision	Amended to clarify road name.
Jumping Branch	Technical Correction	Amended to correct capitalization.
Kate Fowler Branch	Revision	Amended waterbody name for consistency.
Langston Creek	Revision	Amended for grammatical accuracy.

Section	Type of Change	Purpose
Little River	Revision	Amended waterbody name for consistency.
Long Cane Creek	Revision	Amended waterbody name for consistency.
Ludlow Branch	Revision	Amended waterbody name for consistency.
McKinneys Creek	Revision	Amended to clarify road names.
North Edisto River	Technical Correction	Amended to correct spelling of waterbody name.
North Fork Little River	Revision Technical Correction	Amended to clarify road names and amended to correct spelling.
North Saluda River	Revision	Amended to clarify road names.
Oil Camp Creek	Technical Correction	Amended to correct spelling of state park.
Running Lake	Deletion Revision	Removed the FW listing for Running Lake and amended the ORW(FW) listing for Running Lake for accuracy.
Saluda River (main stem)	Technical Correction	Amended to correct county abbreviation.
Saluda River (main stem)	Technical Correction	Amended for grammatical accuracy.
Sanders Branch	Technical Correction	Amended to correct spelling of waterbody name.
Savannah River	Revision	Amended waterbody name for consistency.
Sawneys Creek	Technical Correction	Amended to correct county abbreviation.
Shanklin Creek	Revision	Amended waterbody name for consistency.
Sewee Bay	Revision	Amended to reclassify these waters.
Smeltzer Creek	Revision	Amended to clarify road names.
South Pacolet River	Revision	Amended to clarify road names.
South Saluda River	Revision	Amended to clarify road name.
South Santee River	Technical Correction	Amended to correct punctuation.
Thompson River	Revision Technical Correction	Amended for grammatical accuracy and to correct capitalization.
Town Creek	Technical Correction	Amended to correct county abbreviation.
Town Creek	Revision	Amended waterbody name for consistency.
Townsend River	Revision	Amended waterbody name for consistency.
Turkey Creek	Technical Correction	Amended to correct county abbreviations.
Wateree River	Revision	Amended waterbody name for consistency.

44 PROPOSED REGULATIONS

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed amendments to Andrew Edwards, Water Quality Standards Coordinator of the Bureau of Water; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; edwardaj@dhec.sc.gov. To be considered, the Department must receive the comment(s) by 5:00 p.m. on September 26, 2022, the close of the comment period.

The S.C. Board of Health and Environmental Control will conduct a public hearing on the proposed amendments during its November 10, 2022, 10:00 a.m. meeting. Interested persons may make oral and/or submit written comments at the public hearing. Persons making oral comments should limit their statements to five (5) minutes or less. The meeting will take place in the Board Room of the DHEC Building, located at 2600 Bull Street, Columbia, S.C. 29201. Due to admittance procedures, all visitors must enter through the main Bull Street entrance and register at the front desk. The Department will publish a meeting agenda twenty-four (24) hours in advance indicating the order of its scheduled items at: <http://www.scdhec.gov/Agenda>. Public hearing procedures are subject to change in response to COVID-19 protocols. If applicable, the Department will provide notice of these changes twenty-four (24) hours in advance of the public hearing.

The Department publishes a Monthly Regulation Development Update tracking the status of its proposed new regulations, amendments, and repeals and providing links to associated State Register documents at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>.

Preliminary Fiscal Impact Statement:

No costs to the State or significant cost to its political subdivisions as a whole should be incurred by these proposed amendments.

Statement of Need and Reasonableness:

The following presents an analysis of the factors listed in 1976 Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: 61-69. Classified Waters.

Purpose: Proposed amendments to R.61-69 will clarify, strengthen, and improve the overall quality of the existing regulation and make appropriate revisions to the State's water quality standards in accordance with 33 U.S.C. Section 303(c)(2)(B) of the federal Clean Water Act ("CWA").

Legal Authority: 1976 Code Sections 48-1-10 et seq.

Plan for Implementation: The amendments will take legal effect upon General Assembly approval and upon publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendments. Additionally, a copy of the regulation will be posted on the Department's website, accessible at www.scdhec.gov/regulations-table. Printed copies may also be requested, for a fee, from the Department's Freedom of Information Office.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

R.61-69 establishes the State's site-specific water quality standards and provides a listing of all named and specific unnamed waterbodies, their classifications, and locations. The Department's proposed amendments to R.61-69 clarify and correct, as needed, waterbody names, counties, classes, and descriptions.

DETERMINATION OF COSTS AND BENEFITS:

Existing staff and resources will be utilized to implement these proposed amendments to the regulation. No anticipated additional cost will be incurred by the State if the revisions are implemented, and no additional State funding is being requested.

The overall cost impact to the State's political subdivisions and the regulated community as a whole is not likely to be significant. Existing standards would have incurred similar cost. Furthermore, the standards required under the proposed amendments will be substantially consistent with the current guidelines utilized by the Department.

UNCERTAINTIES OF ESTIMATES:

The uncertainties associated with the estimation of benefits and burdens are minimal.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Implementation of these proposed amendments will not compromise the protection of the environment or the health and safety of the citizens of the State. The proposed amendments to R.61-69 seek to correct and clarify portions of the list of classified waters in order to provide citizens a more accurate representation of the waters of the State.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

Failure by the Department to incorporate appropriate revisions to the list of classified waters in R.61-69 will allow an inaccurate representation of the State's waters to persist. This list is the only repository of the State's site-specific water quality standards and is used as the basis for National Pollutant Discharge Elimination System ("NPDES") permit decisions. If not corrected, the inaccuracies in the existing regulation may lead to unnecessary contamination of the waters of the State with detrimental effects on the health of flora and fauna, as well as the citizens of South Carolina.

Statement of Rationale:

Here below is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(A)(3)(h):

R.61-69 establishes the State's site-specific water quality standards and provides a listing of all named and specific unnamed waterbodies, their classifications, and locations. The Department proposes amending R.61-69 to clarify and correct, as needed, waterbody names, counties, classes, and descriptions.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

46 PROPOSED REGULATIONS

Document No. 5117

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 2022 Act No. 119, Section 5, effective January 27, 2022

61-107.20. Solar Energy Systems. (New)

Preamble:

Pursuant to 2022 Act No. 119, Section 5, the Department of Health and Environmental Control (“Department”) is directed to develop rules to guide all South Carolinians invested in, selling, installing, and using photovoltaic (“PV”) modules and energy storage system batteries in the management of end-of-life PV modules and energy storage system batteries on solar projects, and the decommissioning of solar projects in excess of thirteen acres. The Department proposes new regulation R.61-107.20, *Solar Energy Systems*, to create basic guidelines for large solar energy systems. The new regulation is designed to establish a permitting requirement, and facilitate that all large solar energy systems have a decommissioning plan, which includes financial assurance, removal of PV modules and accompanying equipment, and remediation of the land, if necessary. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of this proposed new regulation.

The Department had a Notice of Drafting published in the February 25, 2022, South Carolina State Register.

Section-by-Section Discussion of Proposed New Regulation:

Section	Type of Change	Purpose
Regulation Number, Regulation Title, and Statutory Authority	Addition	Assigns a regulation number and title, and establishes the Department’s statutory authority.
Table of Contents	Addition	Gives an overview of the contents and organization of the regulation.
A. Applicability	Addition	This part lays out the pertinent activities for which this regulation is intended to provide guidance, rules, and requirements.
B. Definitions	Addition	This part defines the terms used throughout the regulation and presents the terms in alphabetical order.
C. General Provisions	Addition	This part describes the general requirements that apply to all large solar energy systems.
D. Permit Requirements	Addition	This part describes the permitting requirements that apply to all large solar energy systems.
E. Decommissioning Requirements	Addition	This part describes requirements for a facility’s decommissioning of a large solar energy system after certain conditions are met.

Section	Type of Change	Purpose
F. Financial Assurance	Addition	This part describes the minimum financial assurance standards for compliance with Section E.
G. Severability	Addition	This part protects the remaining portion of the regulation should any part or language be declared invalid.
H. Violations and Penalties	Addition	This part establishes the penalties for violation of this regulation or any permit, order, or standard.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed new regulation to Juli Blalock of the Bureau of Land and Waste Management; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; swregdev@dhec.sc.gov. To be considered, the Department must receive the comment(s) by 5:00 p.m. on September 26, 2022, the close of the comment period.

The S.C. Board of Health and Environmental Control will conduct a public hearing on the proposed new regulation during its November 10, 2022, 10:00 a.m. meeting. Interested persons may make oral and/or submit written comments at the public hearing. Persons making oral comments should limit their statements to five (5) minutes or less. The meeting will take place in the Board Room of the DHEC Building, located at 2600 Bull Street, Columbia, S.C. 29201. Due to admittance procedures, all visitors must enter through the main Bull Street entrance and register at the front desk. The Department will publish a meeting agenda twenty-four (24) hours in advance indicating the order of its scheduled items at: <http://www.scdhec.gov/Agenda>. Public hearing procedures are subject to change in response to COVID-19 protocols. If applicable, the Department will provide notice of these changes twenty-four (24) hours in advance of the public hearing.

The Department publishes a Monthly Regulation Development Update tracking the status of its proposed new regulations, amendments, and repeals, and provides links to associated State Register documents at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>.

Preliminary Fiscal Impact Statement:

The requirements of this regulation would cause an assessment of a cost to the State General Fund. Staff anticipates that there will be a cost to the Department for three (3) full-time equivalent staff positions necessary to implement the directives of the Act and this proposed regulation. There are no fees established by the Act and this proposed regulation. Additional costs to state government are not anticipated.

Statement of Need and Reasonableness:

The following presents an analysis of the factors listed in 1976 Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: R.61-107.20. Solar Energy Systems.

Purpose: The purpose of this new regulation is to comply with the requirements of 2022 Act No. 119, Section 5, which directs the Department to develop rules for solar projects in excess of thirteen acres. The new regulation is designed to establish a permitting requirement for large solar sites, and facilitate that all large solar energy systems have a decommissioning plan, which includes financial assurance, removal of PV modules and accompanying equipment, and remediation of the land, if necessary.

48 PROPOSED REGULATIONS

Legal Authority: 2022 Act No. 119, Section 5.

Plan for Implementation: The new regulation will take legal effect upon the General Assembly's approval and upon publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the new regulation. Additionally, a copy of the regulation will be posted on the Department's website, accessible at www.scdhec.gov/regulations-table. Printed copies may also be requested, for a fee, from the Department's Freedom of Information Office.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

In 2022, the General Assembly passed Act No. 119, which in Section 5 instructs the Department to prepare regulations for the management of end-of-life PV modules and energy storage system batteries on solar projects in excess of thirteen acres. The Department proposes new regulation R.61-107.20, *Solar Energy Systems*, to establish basic requirements for large solar energy systems. This proposed regulation would require the Department to oversee a permitting process for those who qualify as large solar energy systems, as well as the decommissioning of these sites at their end-of-life. This regulation is needed to comply with the requirements of 2022 Act No. 119 and will give the Department a basic framework with which to manage large solar energy systems and facilitate local approval for such sites.

DETERMINATION OF COSTS AND BENEFITS:

Internal costs: Implementation of this proposed regulation will require additional resources beyond those allowed for by Act 119. The Department estimates that there are 78 current facilities that would need oversight under this regulation. This proposed regulation would require the Department to oversee a permitting process for large solar energy systems as well as the decommissioning of these sites at their end-of-life. The Act does not establish a fee that would fund the implementation of this regulation.

External costs: There will be a cost for facilities that qualify as large solar energy systems. Costs include complying with permitting requirements and decommissioning requirements that require these facilities to remove all solar panels and accompanying equipment, which includes providing a financial assurance mechanism to the Department. There are no registration or operating fees in this proposed regulation.

External benefits: With the state participating in oversight of large solar energy systems, there will be less of a burden on local government resources to manage such sites. It will benefit the residents of South Carolina as this proposed regulation assists in facilitating the proper disposal of solar panels at the end of their useful life.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the costs to the state or its political subdivisions.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

This proposed new regulation will provide rules to facilitate the proper disposal of end-of-life large solar energy systems.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

If this proposed new regulation does not become effective, the rules for large solar energy systems required by 2022 Act No. 119, Section 5 will not be implemented. The Department will not have any regulatory framework to manage the creation and operation of large solar energy systems.

Statement of Rationale:

Here, below, is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(A)(3)(h):

The requirements of 2022 Act No. 119, Section 5, directs the Department to develop regulations to guide all South Carolinians invested in, selling, installing, and using photovoltaic (“PV”) modules and energy storage system batteries in the management of end-of-life PV modules and energy storage system batteries on solar projects, and the decommissioning of solar projects in excess of thirteen acres. R.61-107.20, *Solar Energy Systems*, will establish basic oversight rules over large solar energy systems, including a permitting requirement, and a requirement for a decommissioning plan, which includes financial assurance, removal of PV modules and accompanying equipment, and remediation of the land, if necessary. This new regulation will allow the Department to have knowledge of existing facilities and establishes a framework with which to manage end-of-life PV modules and energy storage system batteries.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5118
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
Statutory Authority: 1976 Code Sections 44-63-10 et seq.

61-19. Vital Statistics.

Preamble:

Pursuant to S.C. Code Sections 44-63-10, et seq., the Department of Health and Environmental Control (“Department”) is tasked with establishing a Bureau of Vital Statistics and formulating, promulgating, and enforcing regulations for administering the program. The Department proposes amending R.61-19 to make processes more clear, concise, customer-friendly, and efficient; to remove obsolete sections; to add and update definitions; to address advancements in processes for the creation and amendment to vital records; and to bring the regulation into conformity with changes in South Carolina law. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

The Department had a Notice of Drafting published in the April 22, 2022, South Carolina State Register.

Section-by-Section Discussion of Proposed Amendments:

Section	Type of Change	Purpose
100	Revision Addition Reorganization	Amended and recodified existing definitions to update terminology. Added applicable definitions for clarity.
200	Revision Reorganization	Amended to designate the role of Assistant State Registrar, and to recodify sections.
300	No Changes	

50 PROPOSED REGULATIONS

Section	Type of Change	Purpose
301	Addition	Added language to clarify access to the vital statistics system by users “as allowed by law.”
302	No changes	
303	Revision Addition	Updated language to clarify that vital records are not subject to FOIA and other clarifications to avoid conflicts with existing laws.
304	Revision Addition/Deletion	Updated language to clarify and simplify data release protocol.
400	No Changes	
401	Revision	General clarification to role of State Registrar.
402	Revision	General clarification to role of State Registrar.
403	Technical Correction	General clarification.
404	Revision Addition	General clarification to role of State Registrar.
405	Revision	General clarification to role of State Registrar.
500	No Changes	
501	Revision Addition Technical Corrections	General clarification to role of State Registrar. Added language for the process for surrogacy and gestational carriers. Clarify that only two parents may be listed on a certificate. Update language addressing father to second parent except in cases of a Paternity Acknowledgment. Specify that a child’s name may not include more characters or characters that are not allowed by the Vital Statistics system.
502	Revision Addition	General clarifications to the evidences required to file an out-of-institution birth and allow the State Registrar more latitude to accept evidence.
503	Revision Addition	Clarified to align with statute regarding abandoned infants. Specified when certificates of this nature may be issued.
600	No Changes	
601	Revision	Updated language to reflect father/parent. Other general clarifications.
602	No changes	
603	Revision Addition	Updated rules regarding delayed certificate for children under ten

Section	Type of Change	Purpose
		(10) to be seventeen (17). Added examples of commonly used documents by the Department.
604	Revision Addition	General clarification to role of State Registrar. Language to allow destruction of copies of the accepted documents rather than retain them.
605	Revision	General clarifications.
606	Revision	General clarification to role of State Registrar
607	Revision	General clarifications.
608	New Section	Clarified that an applicant may petition a court for a delayed birth certificate in accordance with law.
700	No Changes	
701	Revision Addition Technical Corrections	Updated language referring to physicians, coroners, etc., to medical certifier. Prohibits transport companies from filing certificates. Codifies process for “natural burials.” Specifies rules for medical certifiers and funeral directors related to the timely filing of certificates as required by law and the process for administering administrative penalties. Allows for date found to be listed as date of death. Clarifies process for coroners or medical examiners to submit non-medical information.
702	Revision	General clarifications.
800	Revision	Amended to provide general clarifications.
900	No Changes	
901	Revision Addition/Deletion	Updated language regarding Burial-Removal-Transit Permits and updated rules for filing to allow for capabilities of new system. Removed language referring to obsolete processes.
902	Revision	General clarifications.
903	Revision Addition	Specified that a body being reinterred in the same plot does not need a Disinterment permit. Specified that the disinterment must be performed within one (1) year of the permit being issued.

52 PROPOSED REGULATIONS

Section	Type of Change	Purpose
		Added language to govern release of information of a disinterment permit.
904	Technical Corrections	
1000	Revision Addition	Amended to provide general clarifications. Added a section to allow for reduction of fines assessed if paid within 30 days.
1100	No Changes	
1101	Revision Additions	General clarifications to specify that sealed files may not be copies or photographed. New section to clarify that the name of the father on a birth certificate will not be removed if paternity is rescinded unless ordered by a court.
1102	Revision Addition	Amended to give authority to the State Registrar for acceptance of evidence. Added language to allow demographic language to be corrected when it was originally submitted by the coroner who was not able to contact the family.
1103	Revision Addition	Specifies that affidavit forms must be created by Vital Statistics. Specifies rules for who must sign when a registrant is 18 or older to amend a record. Other general clarifications.
1104	Revision Addition	Clarifies requirements for evidences to amend vital records. Gives latitude to the State Registrar for accepting documents.
1105	Revision Addition	Updated language to allow persons over 1 year old to amend an unnamed certificate with evidence rather than to go to court.
1106	Revision Addition	Updated requirements to amend a date of birth on a birth certificate.
1107	Deletion	Retitled section and moved the last section to a more appropriate location (Section 1104).
1108	Addition/Deletion	Moved language to new section (1113) and replaced with new language regarding a/k/a/ names.

1109	Revision Addition	General clarifications regarding sealed amendment processes. Included language for surrogacy or gestational carrier agreements.
1110	Revision	Clarified that the form is to be developed by the Department. General clarifications. Specified that when parent's rights are terminated the parent will not be removed unless specified in the court order.
1111	New Section	New section to address amendments to a registrant's sex.
1112	New Section	New section to address amendments to parental titles on vital records.
1113	New Section	Includes language from former section 1108 and specifies that once a court order or parentage amendment has been applied to a record, no other amendments may be made without a court order.
1200	Revision Addition/Deletion Technical Corrections Reorganization	Amended to provide general clarifications, added the informant as an entitled party to receive a death certificate for 1 year after date of death, defined minimum certification fields for a birth certification, recodified the section specifying that amended and delayed certificates be marked, specified that verifications for government agencies are subject to the fee schedule, clarified that applications for requests of vital events are not to be released, and specified that certifications will be issued in the electronic format unless it does not correctly reflect the information from the original record.
1300	Addition/Deletion	Added a clarifying identifier for non-refundable fees, and deleted language requiring a split in the funding.

Notice of Public Hearing and Opportunity for Public Comment:

54 PROPOSED REGULATIONS

Interested persons may submit comment(s) on the proposed amendments to Caleb Cox of the Bureau of Vital Statistics; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; vrreg@dhec.sc.gov. To be considered, the Department must receive the comment(s) by 5:00 p.m. on September 26, 2022, the close of the comment period.

The S.C. Board of Health and Environmental Control will conduct a public hearing on the proposed amendments during its November 10, 2022, 10:00 a.m. meeting. Interested persons may make oral and/or submit written comments at the public hearing. Persons making oral comments should limit their statements to five (5) minutes or less. The meeting will take place in the Board Room of the DHEC Building, located at 2600 Bull Street, Columbia, S.C. 29201. Due to admittance procedures, all visitors must enter through the main Bull Street entrance and register at the front desk. The Department will publish a meeting agenda twenty-four (24) hours in advance indicating the order of its scheduled items at: <http://www.scdhec.gov/Agenda>. Public hearing procedures are subject to change in response to COVID-19 protocols. If applicable, the Department will provide notice of these changes twenty-four (24) hours in advance of the public hearing.

The Department publishes a Monthly Regulation Development Update tracking the status of its proposed new regulations, amendments, and repeals and providing links to associated State Register documents at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>.

Preliminary Fiscal Impact Statement:

Most of the regulation updates will have minimal, if any, fiscal impact on the Department. The impact of the administrative penalties and fines, which are required by statute, will assist the Department in the timely filing of certificates, and any revenue will be used for the upkeep and improvement of the program.

Statement of Need and Reasonableness:

The following presents an analysis of the factors listed in 1976 Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: 61-19. Vital Statistics.

Purpose: The Department proposes amending R.61-19, Vital Statistics, to provide general updates to make processes more clear, concise, customer-friendly, and efficient; to remove obsolete sections; to add and update definitions; to address advancements in processes for the creation and amendment of vital records; and to bring the regulation into conformity with changes in South Carolina law.

Legal Authority: 1976 Code Sections 44-63-10, et seq.

Plan for Implementation: The amendments will take legal effect upon General Assembly approval and upon publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendments. Additionally, a copy of the regulation will be posted on the Department's website, accessible at www.scdhec.gov/regulations-table. Printed copies may also be requested, for a fee, from the Department's Freedom of Information Office.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed revisions are needed to clarify Department processes that are performed but not codified in law or regulation, such as surrogacy/gestational carrier agreements, changes to a registrant or decedent's sex, and other more minor amendments. It also establishes processes for laws that were passed in recent years, such as administrative penalties for death certifiers/verifiers and fines for Induced Termination of Pregnancy (ITOP) providers. The proposed amendments will also update and improve policies that presently cause significant hardship for our customers, such as elderly citizens attempting to add their names to unnamed certificates and

persons trying to amend their dates of birth. These cases often require court intervention, which is expensive and time-consuming. Other amendments such as to parental titles and regulations governing changes to a registrant's sex are intended to reduce risk to the agency, particularly as it pertains to out-of-state orders. Finally, all of the proposed updates and general clarifications will allow the Department to carry out its role more effectively as stewards of vital records.

DETERMINATION OF COSTS AND BENEFITS:

Although the need for court-required action can never be eliminated completely, the proposed amendments aim to remove this need as much as possible to benefit customers who currently have to pay attorney fees and complete the challenging steps of obtaining a court order to amend vital records. The proposed administrative penalties process will bring some additional revenue to the Department. However, it is difficult to gauge the exact fiscal impact as the Department will be working with providers over the coming years to help them improve processes for filing certificates in a timely fashion once enforcement does take effect.

UNCERTAINTIES OF ESTIMATES:

As discussed above, the implementation of administrative penalties is unclear how severely it will impact the state or stakeholders.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The proposed amendments will not have a significant impact on the environment. The impact to public health will be providing clearer requirements and guidelines to the public for the processes they need to obtain their vital records. This will allow for more timely submission of documents and reduce the challenges caused by amendment processes to registrants.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

The proposed amendments will not have a significant impact on the environment. The impact to public health if these amendments are not implemented will be a continuation of having to go to court for many basic amendments that could be done administratively. This can cause financial and emotional stress, which are negative indicators of public health. The timely filing of death certificates also impacts the Department's vital statistics data, which is used to influence many public policies and research requests in the state and nation. Additionally, important aspects of the vital statistics program will continue to go undefined under current regulations and will perpetuate ambiguity and legal risk for the Department.

Statement of Rationale:

Here below is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(A)(3)(h):

The Department proposes to amend R.61-19 to provide general updates that will improve clarity of processes and functions of the Department related to vital statistics, as well as provide more customer-friendly and efficient processes to achieving constituent goals. The proposed amendments update and improve language that more easily relate to the updated system of vital statistics and add much-needed definitions. Finally, it defines processes that were passed into law that the Department was unable to implement previously. Overall, the proposed amendments are designed to fully implement the law while improving the functions of the Department.

56 PROPOSED REGULATIONS

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5119
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
Statutory Authority: 1976 Code Sections 48-1-10 et seq.

61-68. Water Classifications and Standards.

Preamble:

Pursuant to S.C. Code Sections 48-1-10 et seq., the Department of Health and Environmental Control (“Department”) establishes appropriate goals and water uses to be achieved, maintained, and protected; general rules and water quality criteria to protect classified and existing water uses; and an antidegradation policy to protect and maintain the levels of water quality necessary to support and maintain those existing and classified uses. Section 303(c)(2)(B) of the federal Clean Water Act (“CWA”) requires South Carolina’s water quality standards be reviewed and revised, where necessary, at least once every three years. Referred to as the triennial review, this required process consists of reviewing and adopting, where appropriate, the Environmental Protection Agency’s updated numeric and narrative criteria. The Department proposes amending R.61-68 to adopt the criteria the Department deems necessary to comply with federal regulatory recommendations and revisions. The Department proposes to adopt a revised standard for aquatic life ambient water quality criteria for aluminum, and a revised recreational water quality criteria for bacteria to reflect the most current final published criteria in accordance with the CWA. The Department proposes stylistic changes for overall improvement of the text of the regulation. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

The Department had a Notice of Drafting published in the February 25, 2022, South Carolina State Register.

Section-by-Section Discussion of Proposed Amendments:

Section	Type of Change	Purpose
A. Purpose and Scope	Technical Correction	Amend Code references and section references for accuracy.
B. Definitions	Technical Correction Addition	Correcting each instance of mg/l by replacing it with mg/L for accuracy. Correcting punctuation. Adding definitions for: Department and Environmental Protection Agency for clarity.
C. Applicability of Standards	Technical Correction	Correcting each instance of mg/l by replacing it with mg/L for accuracy. Correcting grammar and punctuation.
D. Antidegradation Rules	Technical Correction Reorganization Revision	Correcting each instance of mg/l by replacing it with mg/L for accuracy. Reorganizing and revising D.2.a. and D.2.b. to

Section	Type of Change	Purpose
		clarify the requirements of an alternatives analysis.
E. General Rules and Standards Applicable to All Waters	Technical Correction Revision	Correcting grammar and punctuation. Correcting each of the following instances for accuracy: replacing mg/l with mg/L; replacing ml with mL; and replacing ug/l with µg/L. Correcting taxonomic classifications to italicized font. Clarifying the assessment of enterococci and E. coli for purposes of Section 303(d) listing determinations shall be based on the geometric mean with an allowable 10% exceedance.
F. Narrative Biological Criteria	Technical Correction	Correcting grammar and punctuation.
G. Class Descriptions, Designations, and Specific Standards for Surface Waters	Technical Correction Revision	Correcting each of the following instances for accuracy: replacing mg/l with mg/L; and replacing ml with mL. Revising the following standards to add an allowable 10% exceedance to the geometric mean: E. coli, fecal coliform, and enterococci.
H. Class Descriptions and Specific Standards for Ground Waters	Technical Correction	Correcting each instance of mg/l by replacing it with mg/L for accuracy. Correcting references and punctuation.
Appendix	Technical Correction	Correcting a reference from three attachments to four attachments.
Appendix – Priority Toxic Pollutants	Technical Correction	Correcting cadmium criteria from dissolved to total.
Appendix – Non-Priority Toxic Pollutants	Addition	Adding aluminum criteria.
Appendix – Water Quality Criteria Additional Note 1	Technical Correction	Correcting the spelling of the word exceedance, and correcting punctuation. Correcting each instance of mg/l and replacing it with mg/L for accuracy.
Appendix Attachment 4	Technical Correction	Correcting each instance of mg/l by replacing it with mg/L, and correcting CCC by replacing it with CMC for accuracy.

Notice of Public Hearing and Opportunity for Public Comment:

58 PROPOSED REGULATIONS

Interested persons may submit comment(s) on the proposed amendments to Andrew Edwards, Water Quality Standards Coordinator, of the Bureau of Water; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; edwardaj@dhec.sc.gov. To be considered, the Department must receive the comment(s) by 5:00 p.m. on September 26, 2022, the close of the comment period.

The S.C. Board of Health and Environmental Control will conduct a public hearing on the proposed amendments during its November 10, 2022, 10:00 a.m. meeting. Interested persons may make oral and/or submit written comments at the public hearing. Persons making oral comments should limit their statements to five (5) minutes or less. The meeting will take place in the Board Room of the DHEC Building, located at 2600 Bull Street, Columbia, S.C. 29201. Due to admittance procedures, all visitors must enter through the main Bull Street entrance and register at the front desk. The Department will publish a meeting agenda twenty-four (24) hours in advance indicating the order of its scheduled items at: <http://www.scdhec.gov/Agenda>. Public hearing procedures are subject to change in response to COVID-19 protocols. If applicable, the Department will provide notice of these changes twenty-four (24) hours in advance of the public hearing.

The Department publishes a Monthly Regulation Development Update tracking the status of its proposed new regulations, amendments, and repeals and providing links to associated State Register documents at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>.

Preliminary Fiscal Impact Statement:

No costs to the State or significant cost to its political subdivisions as a whole should be incurred by these proposed amendments.

Statement of Need and Reasonableness:

The following presents an analysis of the factors listed in 1976 Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: 61-68. Water Classifications and Standards.

Purpose: Proposed amendments of R.61-68, as required by the triennial review, will clarify, strengthen, and improve the overall quality of the existing regulation and make appropriate revisions of the State's water quality standards in accordance with 33 U.S.C. Section 303(c)(2)(B) of the federal CWA.

Legal Authority: 1976 Code Sections 48-1-10 et seq.

Plan for Implementation: The amendments will take legal effect upon General Assembly approval and upon publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendments. Additionally, a copy of the regulation will be posted on the Department's website, accessible at www.scdhec.gov/regulations-table. Printed copies may also be requested, for a fee, from the Department's Freedom of Information Office.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

Section 303(c)(2)(B) of the federal CWA requires that South Carolina's water quality standards be reviewed and revised, where necessary, at least once every three years. Referred to as the triennial review, this required process consists of reviewing and adopting, where appropriate, the Environmental Protection Agency's updated numeric and narrative criteria according to Section 304(a) and Section 307(a) of the CWA. The Department proposes amending R.61-68 to adopt these criteria as the Department deems necessary to comply with federal regulatory recommendations and revisions.

DETERMINATION OF COSTS AND BENEFITS:

Existing Department staff and resources will be utilized to implement these amendments to the regulation. No anticipated additional cost will be incurred by the State if the revisions are implemented, and no additional State funding is being requested.

Overall cost impact to the State's political subdivisions and regulated community is not likely to be significant. Existing standards would have incurred similar cost. Furthermore, standards required under the amendments will be substantially consistent with the current guidelines and review guidelines utilized by the Department.

UNCERTAINTIES OF ESTIMATES:

The uncertainties associated with the estimation of benefits and burdens are minimal to moderate, due to possible differences in the extent to which Municipal Separate Storm Sewer Systems ("MS4s") currently meet the lower standard.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Implementation of these proposed amendments will not compromise the protection of the environment or the health and safety of the citizens of the State. The proposed amendments to R.61-68 seek to promote and protect aquatic life and human health by the regulation of pollutants into waters of the State.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

Implementation of these proposed amendments will not compromise the protection of the environment or the health and safety of the citizens of the State. The proposed amendments to R.61-68 seek to promote and protect aquatic life and human health by the regulation of pollutants into waters of the State. If the proposed amendments to R.61-68 are not implemented, then the waters of the State will have less protections for aquatic life.

Statement of Rationale:

Here below is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(A)(3)(h):

R.61-68 establishes appropriate goals and water uses to be achieved, maintained, and protected; general rules and water quality criteria to protect classified and existing water uses; and an antidegradation policy to protect and maintain the levels of water quality necessary to support and maintain those existing and classified uses. Section 303(c)(2)(B) of the federal CWA requires South Carolina's water quality standards be reviewed and revised, where necessary, at least once every three years. Referred to as the triennial review, this required process consists of reviewing and adopting, where appropriate, the Environmental Protection Agency's updated numeric and narrative criteria according to Section 304(a) and Section 307(a) of the CWA. The Department proposes amending R.61-68 to adopt these criteria the Department deems necessary to comply with federal regulatory recommendations and revisions. The Department proposes to adopt a revised standard for aquatic life ambient water quality criteria for aluminum, and a revised recreational water quality criteria for bacteria to reflect the most current final published criteria in accordance with the CWA.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

60 PROPOSED REGULATIONS

Document No. 5120
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
Statutory Authority: 1976 Code Section 43-5-930

61-94. WIC Vendors.

Preamble:

Pursuant to S.C. Code Section 43-5-930, the Department of Health and Environmental Control (“Department”) outlines the responsibilities and duties of all potential and authorized Women, Infant, and Children Supplemental Food Program (WIC) Vendors. The Department proposes amending R.61-94, WIC Vendors, to update verbiage of South Carolina Electronic WIC Benefits (eWIC). These proposed amendments include changes to definitions, the approval process of vendors, monitoring of vendors, disqualifications, sanctions, program violations, and the transaction of South Carolina WIC Benefits. The proposed amendments may also include corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

The Department had a Notice of Drafting published in the February 25, 2022, South Carolina State Register.

Section-by-Section Discussion of Proposed Amendments:

Section	Type of Change	Purpose
Table of Contents	Revision	Amended to reflect proposed changes to text.
All Sections	Technical Corrections	Amended to correct punctuation and capitalization for clarity.
Section 101		
Introductory sentence	Technical Correction	Amended for grammatical accuracy.
101(A)	Revision	Amended to update Department terminology.
101(B)	Deletion	Deleted redundant definition.
101(D)	Revision	Amended to update the name of the Bureau for accuracy.
101(E)	Revision	Amended the definition of eWIC to reflect new method of payment.
101(F)	Revision	Amended to update additional approved vendors.
Section 201		
201(A)	Revision	Amended to update Department and eWIC terminology for accuracy.
201(B)(1)	Revision	Amended to add method of receiving a WIC vendor application.
201(B)(4)	Revision	Amended to update eWIC terminology.

Section	Type of Change	Purpose
201(B)(8)	Revision	Amended to clarify exempt vendors.
201(B)(9)	Revision	Amended to update the new Store Types for accuracy.
201(B)(15)(i)-(xv)	Revision Addition Technical Correction Reorganization	Amended to update the new food specifications and approved varieties and styles of cheeses. Added approved purchase of tofu. Corrected usage of numbers and measurements for consistency. Recodified items to reflect proposed changes.
Section 301		
Title	Revision	Amended to update the title of the section for accuracy.
301(A)-(H)	Revision	Amended to update new process of transacting eWIC benefits.
301(J)-(N)	Addition	Adding new portion of the new process of transacting eWIC benefits.
Section 401		
Title	Revision	Amended to update the title of the section for accuracy.
401(A)-(B)	Revision	Amended to update the settlement payment process.
401(C)-(F)	Addition	Adding new portion of the new settlement payment process.
Section 501	Deletion	Deleted section as no longer needed.
Section 601	Deletion	Deleted section as no longer needed.
Section 701	Reorganization	Recodified from Section 701 to Section 501.
Section 801	Reorganization	Recodified from Section 801 to Section 601.
New Section 601		
601(B)(1)(a)-(b)	Revision	Amended to update disqualification criteria for clarity.
601(B)(1)(c)-(d)	Addition	Added new disqualification criteria for clarity.
Former 601(B)(1)(c)-(i)	Revision Reorganization	Amended to update disqualification criteria for clarity. Recodified to reflect proposed changes.

62 PROPOSED REGULATIONS

601(B)(2)(a)-(f)	Revision	Amended to reflect eWIC terminology for accuracy.
601(B)(3)(a)-(b)	Revision	Amended to reflect eWIC terminology for accuracy.
601(B)(4)	Revision	Amended to reflect eWIC terminology.
601(C)	Revision	Amended to reflect eWIC terminology.
Section 901	Reorganization	Recodified from Section 901 to Section 701.
New Section 701		
701(A)	Addition	Amended to reflect new violation category.
701(2)	Reorganization Revision Addition	Recodified from 701.1 to match codification throughout the regulation. Amended and added violation categories.
701(3)	Reorganization Revision Addition	Recodified from 701.2 to match codification throughout the regulation. Amended and added violation categories.
Section 1001	Reorganization Revision	Recodified from Section 1001 to Section 801. Amended to clarify Department terminology.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed amendments to Berry Kelly of the Bureau of Community Nutrition Services; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; kellybb@dhec.sc.gov. To be considered, the Department must receive the comment(s) by 5:00 p.m. on September 26, 2022, the close of the comment period.

The S.C. Board of Health and Environmental Control will conduct a public hearing on the proposed amendments during its November 10, 2022, 10:00 a.m. meeting. Interested persons may make oral and/or submit written comments at the public hearing. Persons making oral comments should limit their statements to five (5) minutes or less. The meeting will take place in the Board Room of the DHEC Building, located at 2600 Bull Street, Columbia, S.C. 29201. Due to admittance procedures, all visitors must enter through the main Bull Street entrance and register at the front desk. The Department will publish a meeting agenda twenty-four (24) hours in advance indicating the order of its scheduled items at: <http://www.scdhec.gov/Agenda>. Public hearing procedures are subject to change in response to COVID-19 protocols. If applicable, the Department will provide notice of these changes twenty-four (24) hours in advance of the public hearing.

The Department publishes a Monthly Regulation Development Update tracking the status of its proposed new regulations, amendments, and repeals and providing links to associated State Register documents at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>.

Preliminary Fiscal Impact Statement:

The proposed amendments will have no substantial fiscal or economic impact on the state. Implementation of these amendments will not require additional resources beyond those allowed. There is no anticipated additional cost by the Department or state government due to any inherent requirements of these proposed amendments.

Statement of Need and Reasonableness:

The following presents an analysis of the factors listed in 1976 Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: 61-94. WIC Vendors.

Purpose: The proposed amendments to R.61-94, WIC Vendors, include revised provisions and outline the responsibilities and duties of all potential and authorized WIC Vendors. The Department proposes amending R.61-94 to update verbiage of South Carolina Electronic WIC Benefits (eWIC). These proposed amendments include changes to definitions, the approval process of vendors, monitoring of vendors, disqualifications, sanctions, program violations, and the transaction of South Carolina WIC Benefits. The proposed amendments may also include corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

Legal Authority: 1976 Code Section 43-5-930.

Plan for Implementation: The amendments will take legal effect upon General Assembly approval and upon publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendments. Additionally, a copy of the regulation will be posted on the Department's website, accessible at www.scdhec.gov/regulations-table. Printed copies may also be requested, for a fee, from the Department's Freedom of Information Office.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed amendments update R.61-94 to include provisions in the Child Nutrition and WIC Reauthorization Act of 2004 (P.L. 108-265) that require the establishment of a vendor peer group system, distinct peer competitive price criteria, allowable reimbursement levels for each peer group, and other vendor-related provisions to ensure program integrity. Additionally, the proposed amendments include revisions to the WIC food packages as published in the interim rule by the U.S. Department of Agriculture, Food and Nutrition Services, in the Federal Register. The revisions align the WIC food packages with the Dietary Guidelines for Americans and infant feeding practice guidelines of the American Academy of Pediatrics. The Department also proposes vendor-related amendments to ensure adequate and appropriate monitoring of the WIC Program's food delivery system to prevent fraud, waste, and abuse from occurring and to safeguard program benefits. Further proposed amendments include updating verbiage of South Carolina Electronic WIC Benefits (eWIC) to align with the Healthy, Hunger-Free Kids Act of 2010, which improves the shopping experience for WIC participants by requiring states to transition from paper benefits to electronic benefit (EBT) systems by Oct. 1, 2020.

These proposed amendments are reasonable to realize the abovementioned benefits as they provide more efficient procedures without any anticipated cost increase and provide clearer standards and criteria for the regulated community.

DETERMINATION OF COSTS AND BENEFITS:

There are no anticipated cost increases to the state or its political subdivisions in complying with these proposed amendments. Amendments to R.61-94 will benefit the regulated community and the general public by implementing provisions to ensure program integrity. Participants served by the program will benefit from these proposed amendments by gaining access to more nutritious foods.

64 PROPOSED REGULATIONS

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the cost to the state.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The proposed changes will not have any effect on the environment. If implemented, these amendments will have a positive impact on public health by improving WIC procedures and systems and expanding access and resources to healthy foods.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There is no anticipated detrimental effect on the environment.

Statement of Rationale:

Here below is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(A)(3)(h):

The Department proposes amending R.61-94, WIC Vendors, to incorporate vendor-related provisions included in the Child Nutrition and WIC Reauthorization Act of 2004 (P.L. 108-265) and an interim rule published by the U.S. Department of Agriculture, Food and Nutrition Services, in the Federal Register on December 6, 2007, revising the WIC food packages. Other proposed amendments include updating verbiage to South Carolina Electronic WIC Benefits, definitions, the approval process of vendors, monitoring of vendors, disqualifications, sanctions, program violations, and WIC transactions to improve services and procedures.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5121

DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF VETERINARY MEDICAL EXAMINERS
CHAPTER 120

Statutory Authority: 1976 Code Section 40-1-70, 40-69-60, and 40-69-70

120-1. Definitions.

120-3. Licensure to Practice Veterinary Medicine.

120-8. Practice Standards for Licensed Veterinarians.

120-9. Practice Standards for: Licensed Veterinary Technicians; Unlicensed Veterinary Assistants.

Preamble:

The South Carolina Board of Veterinary Medical Examiners is considering proposing amendments to Chapter 120: to define “emergency animal patient” and “imaging” in Regulation 120-1; to update and clarify Regulation 120-9 regarding the practice standards for licensed veterinary technicians and revise and move practice standards for unlicensed veterinary aides to Regulation 120-8; and to clarify Regulation 120-3 in accordance with the statutes for licensure and examinations for veterinarians.

Section-by-Section Discussion:

- 120-1.A. – C. No change.
- 120-1.D. New. Add definition of emergency animal patient.
- 120-1.E. New. Add definition of imaging.
- 120-3.A. No change.
- 120-3.B. Strike “mailed” and replace with “sent”. Strike reference to “appropriate” describing educational institution.
- 120-3.B.(1)-(4) No change.
- 120-3.B.(5) Replace “State examination” with “application for licensure”.
- 120-3.C.(1) Strike “Board” from reference to national exam. Combine information from existing section (C)(1), (2) and (3) regarding exam.
- 120-3.C.(2) Replace existing section (2) with guidance on applying for licensure if exam scores are older than five years before the date of application.
- 120-3.C.(3) Strike all.
- 120-3.C.(4) Renumber as (3) and strike through “payment of” adding “re” to the examination.
- 120-3.D. No change.
- 120-3.E. Strike section.
- 120-3.F. Re-letter as E and add electronic payment option.
- 120-3.G. Re-letter as F.
- 120-8.A.-C. No change.
- 120-8.D. New section on Supervision of Unlicensed Veterinary Aides.
- 120-9. Strike “Unlicensed Veterinary Assistants” from title. Strike “and Licensed veterinarians shall supervise the practice of licensed veterinary technicians and unlicensed veterinary assistance” as addressed in subsequent sections.
- 120-9.A. No change.
- 120-9.A.(1)(a) No change.
- 120-9.A.(1)(b) Strike “or dress” and replace with “of” in reference to equine teeth.
- 120-9.A.(2)(a) Add “immediate” before “recovery of anesthesia”.
- 120-9.A.(2)(b) Move prior sections (i) and (ii) under (b) to be a part of section (b).
- 120-9.A.(2)(b)(i) and (ii) Moved to (2)(b).
- 120-9.A.(2)(c) No change.
- 120-9.A.(2)(d)-(i) Strike all.
- 120-9.A.(2)(j) Re-letter as (d). Replace “Administer” with “Administration of rabies” referencing vaccines.
- 120-9.A.(3) and (3)(a) No change.
- 120-9.A.(3)(b) Replace “Initiate” with “Initiation”.
- 120-9.A.(3)(c) No change.
- 120-9.A.(3)(d) Replace “radiography” with “imaging”.
- 120-9.A.(3)(e)-(g) No change.
- 120-9.A.(3)(h) Strike “laboratory”.
- 120-9.A.(3)(i)-(j) No change.
- 120-9.A.(3)(k) Strike all and replace with “Administer blood or blood components as related to transfusions”.
- 120-9.A.(3)(l)-(r) New language.
- 120-9.A.(4) New language allowing other services to be performed under the appropriate degree of supervision of a licensed veterinarian.
- 120-9.A.(5) Renumber, previously (4). Add “Animal” to “Emergency Patient Care”. Strike “the following emergency patient care” and add “acute care for emergency medical conditions. In the event of a CPA or imminent CPA, a licensed veterinary technician may follow standing medical orders that have been established by a veterinarian until the patient is stabilized or a veterinarian can provide supervision.
- 120-9.A.(5)(a)-(f) Strike.
- 120-9.A.(6) Renumber, previously (5). Add “veterinary nurse” to the list of prohibited titles.
- 120-9.B. Strike existing language. Replace with “In accordance with S.C. Code Section 40-69-270(C), licensed veterinarians may delegate duties superseding the above scope of practice restrictions to licensed veterinary

66 PROPOSED REGULATIONS

technicians holding specialty certification from the National Association of Veterinary Technicians in America's Committee on Veterinary Technician Specialists. Duties must be within the specialty certification discipline."

A Notice of Drafting was published in the *State Register* on July 22, 2022.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m., on October 31, 2022. Written comments may be directed to Meredith Buttler, Administrator, Board of Veterinary Medical Examiners, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., September 26, 2022. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

The proposed regulation would: define "emergency animal patient" and "imaging" in Regulation 120-1; update and clarify Regulation 120-9 regarding the practice standards for licensed veterinary technicians and revise and move practice standards for unlicensed veterinary aides to Regulation 120-8; and clarify Regulation 120-3 in accordance with the statutes for licensure and examinations for veterinarians.

Legal Authority: 1976 Code Sections 40-1-70, 40-69-60, and 40-69-70.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the *State Register*. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The amendments are reasonable and necessary because they clarify and update the definitions and scope of practice for the licensed veterinary technicians and unlicensed veterinary aides as they relate to the animal health care tasks and supervision levels and to clarify the regulations with regard to the statutes for licensure and examinations for veterinarians. Additionally, the amendments are necessary to ensure that all providers of health care for animals are knowledgeable of the full extent of their abilities under the law in response to the present shortage of animal healthcare professionals.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

The proposed regulation would: define “emergency animal patient” and “imaging” in Regulation 120-1; update and clarify Regulation 120-9 regarding the practice standards for licensed veterinary technicians and revise and move practice standards for unlicensed veterinary aides to Regulation 120-8; and clarify Regulation 120-3 in accordance with the statutes for licensure and examinations for veterinarians.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.